

**STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

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**BOARD MEMBERS**  
Albert S. Porter, Chairman  
Bryan A. Schneider, Vice Chairman  
Patrick A. Brady  
John R. Keith  
William M. McGuffage  
Wanda L. Rednour  
Jesse R. Smart  
Robert J. Walters

**EXECUTIVE DIRECTOR**  
Daniel W. White

**AGENDA  
STATE BOARD OF ELECTIONS  
BOARD MEETING**

Monday, November 19, 2007  
James R. Thompson Center – Room 9-040  
Chicago, Illinois  
10:30 a.m.

Call State Board of Elections to order.

Recess as the State Board of Elections and convene as the State Officers Electoral Board (SOEB agenda sent under separate cover).

Recess as the State Officers Electoral Board and reconvene as the State Board of Elections.

1. Approval of the minutes from the October 15 regular meeting. (pgs.1-6)
2. Report of the Executive Director
  - a. Preparations for the February 5, 2008 Primary Election;
    - 1) Candidate petition filing update; (pg.7)
    - 2) Election judge training schools - informational; (pgs.8-9)
    - 3) Election day contingency plan update; (pg.10)
  - b. HAVA update; (pg.11)
  - c. Voting system certification – Sequoia;
    - 1) Consideration of additional writing instruments for use with the Optech Insight Plus and the Optech 400-C; (pg.12)
    - 2) Consideration of hardware modification to upgrade the electrostatic discharge protection for the Sequoia Edge2Plus; (pgs.13-16)
    - 3) WinEDS 3.1.074 systems request; (pg.17)
  - d. SBE agency newsletter - informational; (pgs.18-20)
  - e. Campaign disclosure downlink seminar – informational; (pgs.21-23)
  - f. Fiscal status reports;
    - 1) FY07 & FY08 – period ending October 31 – informational; (pgs.24-31)
    - 2) Help Illinois Vote Fund; (pgs.32-37)
  - g. Two year plan of staff activity for the months of November and December – informational. (pgs.38-41)
3. Report of the General Counsel
  - a. Campaign Disclosure;  
Consideration of civil penalty assessment for failure to comply with a Board order – carryover from October
    - 1) *SBE v. Citizens to Elect Dennis Allen, L13849, 07CD059*; (pgs.42-43)
    - 2) *SBE v. Committee to Elect John A. Lartz, S9158, 07CD038*; (pgs.44-45)Motion for reconsideration
    - 3) *SBE v. Citizens to Elect Dennis Allen, L13849, 07CD059*; (pgs.46-47)Appeals of campaign disclosure fines – carryover from October - hearing officer recommendation appeals be denied

- 4) *SBE v. AARC of Illinois*, S9099, 06DS178 & 07JS057; (pgs.48-54)
- 5) *SBE v. Friends of Todd Stroger for President of the Cook County Board of Commissioners*, S9283, 06D119; (pgs.55-127)

Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeals be granted

- 6) *SBE v. Friends of Charlotte R. Moore*, L1921, 07AE019; (pgs.128-135)
- 7) *SBE v. 11<sup>th</sup> Ward Democratic Party Campaign Committee*, S787, 07AE025; (pgs.136-140)
- 8) *SBE v. Committee to Elect Johnson*, S7853, 07CE061; (pgs.141-147)
- 9) *SBE v. Friends of Dan Lewandowski*, S8800, 06AG097; (pgs.148-167)
- 10) *SBE v. Friends of Kwame Raoul*, S8749, 06AG106; (pgs.168-177)
- 11) *SBE v. Riverdale Mayor Finance Committee*, S8984, 07JS013; (pgs.178-186)

Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeals be denied

- 12) *SBE v. Friends of William J.P. Banks*, L811, 07AC040; (pgs.187-191)
- 13) *SBE v. Community Park of Hanover Park*, L1227, 07AE029; (pgs.192-206)
- 14) *SBE v. Citizens for Cole*, L9291, 07AE004 & 07AE020; (pgs.207-219)
- 15) *SBE v. Citizens for Cappleman*, L13487, 07JS076; (pgs.220-224)
- 16) *SBE v. Fioretti for Alderman*, L13544, 07AC029; (pgs.224a-224g)
- 17) *SBE v. Citizens for Peter Zelchenko*, L13601, 07CP031; (pgs.225-230)
- 18) *SBE v. Committee to Elect Edward "Ed" Russell*, L13781, 07AE006; (pgs.231-237)
- 19) *SBE v. Friends for Eric P. McKennie*, L13815, 07JS073; (pgs.238-242)
- 20) *SBE v. Friends of Judy Stearns*, L14206, 07MA018; (pgs.243-253)
- 21) *SBE v. Citizens for Munoz*, S5774, 07AC043; (pgs.254-258)
- 22) *SBE v. Frankfort Township Democratic Organization*, S8789, 07JS052; (pgs.259-264)
- 23) *SBE v. Citizens to Elect Michael Mayden*, S9027, 07JS071; (pgs.265-269)
- 24) *SBE v. C.C.D.P. (Catherine, Carle, David & Patricia) Party*, S9365, 07AE027; (pgs.270-274)

Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeals be granted & denied

- 25) *SBE v. Friends of Michelle Harris*, S9311, 07AC035; (pgs.275-283)

Other campaign disclosure items

- 26) Request for payment plan, *Asbestos Workers Heat & Frost Insulators Local Union #1*; (pgs.284-286)
- 27) Potential ballot forfeiture for 2008 – informational; (pgs.287-289)
- 28) Payment of civil penalties – informational; (pg.290)

Complaint following public hearing

- 29) *SBE v. Citizens for Hawkins*, S9222, 07CD046; (pgs.291-297)

Complaints following closed hearings (separate packet)

- 30) *SBE v. Annual Roosevelt Cocktail Party Committee*, 07CD069 – carryover from September; (pgs.1-6)
- 31) *SBE v. Friends of Todd H. Stroger for President of the Cook County Board of Commissioners*, 07CD071; (pgs.7-274)
- b. Review of executive session minutes; (pg.298)
- c. Consideration of objection by JCAR to proposed rulemaking. (pgs.299-301)

4. Other business. (pg.302)
5. Comments from the Chairman and Vice Chairman. (pg.302)
6. Comments from the general public. (pg.302)
7. Next Board meeting Thursday, December 6, 2007 at 10:30 a.m. in Chicago. (pg.302)
8. Executive Session. (pgs.303-313)

# STATE BOARD OF ELECTIONS BOARD MEETING

Monday, October 15, 2007

## MINUTES

PRESENT: Albert S. Porter, Chairman  
Bryan A. Schneider, Vice Chairman  
John R. Keith, Member  
William M. McGuffage, Member  
Wanda L. Rednour, Member  
Jesse R. Smart, Member  
Robert J. Walters, Member (present by telephonic call)

ABSENT: Patrick A. Brady, Member

ALSO PRESENT: Daniel W. White, Executive Director  
Steve Sandvoss, General Counsel  
Darlene Gervase, Administrative Specialist II

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Chairman Porter called the meeting to order at 10:32 a.m. and led everyone in the pledge of allegiance. Vice Chairman Schneider held Mr. Brady's proxy.

The minutes of the September 14, 2007 regular meeting were presented. Mr. Keith indicated that the vote regarding *SBE v. Friends for Judy Yeager*, should read 7-0-1 to reflect his recusal from that vote. Member Smart moved to adopt the minutes with that change and Vice Chairman Schneider seconded the motion which passed unanimously.

The first item on the Executive Director's agenda was preparations for the General Primary Election. Director White presented a list of staff assignments for the first day of candidate petition filing on October 29, 2007 and indicated that last minute changes and information would be sent to them directly from Elections Director Mark Mossman. He continued that this is the earliest primary in Illinois history since it has been moved up 6 weeks and will take place on February 5, 2008. The first filing will take place in our Springfield office in 2 weeks and we are in the final days of preparations and moving along well. Since this is a presidential election, we expect a large number of filings and the Democratic delegate and alternate delegates will be filing that day also. Four years ago we had over 300 candidates filing on the first day and we now have the Green Party, another established political party in addition to the Democratic and Republican established parties. The Green Party indicated that their delegates and alternate delegates will be selected by convention, but they may have candidates as a statewide party for all other offices as well. For the first time, we have contacted and coordinated with the Illinois State Police concerning security issues. Mr. White invited the Board Members to come down and observe the filing as it is a highlight of our election activities.

Mr. White presented a list of 72 Election Judges training schools for informational purposes and indicated there will be more as we go through the election cycle.

The Director reported on an item carried over from the September meeting regarding a contingency plan for Election Day due to inclement weather. The results of a survey of other states resulted with 11 states having emergency procedures and 4 with no emergency procedures. Of those 15 states 5 have statutory provisions; 2 provide guidance by administrative rules; and 4 provide advisory direction by written guidelines or procedural manuals. Some procedures offered extensive detail, while others had less than two paragraphs authorizing the governor, secretary of state, or chief election officer to close impacted polling places. Mr. White contacted McHenry County Clerk, Kathy Schultz, who initially posed the question, would appreciate any form of advisory guidance. Since it is unlikely that legislation could be drafted and passed in time to be effective and administrative rulemaking poses similar time related obstacles as well, Mr. White recommended that staff be directed to draft an advisory memorandum providing general emergency guidelines for the February 5, 2008 and subsequent elections. Since Election officials are the election official by law of their jurisdiction, they would be free to follow the guidelines or consult with their own state's attorneys, law enforcement agencies, or emergency operations agencies. Mr. McGuffage stated that the governor would have to declare a disaster area and as part of his declaration that the election in that area be postponed. He indicated that he wants input from the County Clerks and Governors office. Member Smart declared that this is a good reason to promote early voting since early voting provides the flexibility to choose when you want to vote. This matter was continued to a later date awaiting input from the County Clerks and the Governor's office.

During the legislative update, Director White stated that the legislature was in session last week and there were overrides to some of the Governor's vetoes. The only portion of our budget that was affected involved the removal of \$350,000 for an outside expert to help with the census data. That \$350,000 is back in our budget and will be addressed further in his report; however, the consultant would have to be agreed upon by the 4 legislative leaders. Cris Cray, Legislative Liaison, indicated that that they have only until October 25<sup>th</sup> to do overrides and asked for the board to contact the Senate President about their concerns. She explained that an override is preferable over a supplemental. Ms. Cray was asked to do a stand alone supplemental to satisfy the Election Assistance Commission's audit regarding the \$3,400 HAVA money that has to be returned to the Federal Government. Discussion ensued among the Board. It was agreed that staff and the Board Members will try to relay the urgency of our request to Senate President Jones and his staff.

An update of the Help America Vote Act (HAVA) funds was presented by the Executive Director. He was pleased to report that a check was received from Champaign County for \$2,436.19 which is payment in full for outstanding HAVA interest. Also, a second check, in the amount of \$21,693.75, was received from Rock Island County in full repayment for outstanding HAVA interest. He said that dialogue continues with the Secretary of State and we hope to satisfy the last interest repayment which is a little over \$40,000.

Mr. White took this opportunity to update the Board on the 2010 U.S. Census Bureau (USCB) Redistricting Data program. This voluntary program began over 2 years ago and the four legislative leaders and the Governor's office agreed to the Board's participation designating him as the main contact person and nonpartisan liaison to the USCB. Phase 1 consisted of updating legislative plans, codes and names to the USCB and the USCB verified the information and provided data for post-2000 legislative districts. Illinois now moves to Phase 2 of the program providing the opportunity to submit our voting districts to the USCB for development of data products by voting district for use in future phases. Outside expertise will be necessary during the fall of 2008 to realign data from their master database and partnership software. This provides all legislative leaders with the same basic data. The \$350,000 funding that was returned to our budget will fund this expertise. Remaining phases involve data delivery in 2011, collection of revised state redistricting plans, and a post program evaluation.

Executive Director White concluded his report with an informational report of the two year plan of staff activity for the months of October and November. He reminded the Board of a proposal that had been approved by the Board regarding a refund retrieval plan. As a result of that contract we have identified \$279,651.98 of agency funds that were paid through GRF funds that may be eligible for reimbursement through HAVA funds.

The Chairman acknowledged Susan Lombard and Alderman Lona Lane for *SBE v. Citizens to Elect Lona Lane*, L13713, 07AC031. General Counsel Steve Sandvoss summarized the activities of the committee and agreed with the hearing officer that the appeal be denied for lack of an adequate defense, but to reduce the penalty to 10% of the total amount which is \$628.00. Member Smart moved to adopt the recommendations of the hearing officer and general counsel. Mr. Keith seconded the motion which passed unanimously.

Chairman Porter called Mr. William Davis in the matter of *SBE v. William Davis for State Representative*, S8040, 07MA015. The general counsel offered his rendition of the case, and said that the hearing officer granted part of the appeal, but denied part of the appeal. Mr. Davis accepted responsibility for the late reports, but in his defense said that he had contracted with a certified public accountant (CPA) to prepare the filings and the CPA did not fulfill that contract and went out of business. After discussion the Board considered the two fines separately and Representative Davis made a settlement offer of \$2,500, 50% of the D-2 fine. Member Smart moved and Vice Chairman Schneider seconded the motion to accept the settlement offer for the D-2 filing. The motion passed by 6-2 vote with Members Keith and Walters voting no. Member McGuffage said that his motion is to take into consideration the fact that an accounting firm went out of business and didn't fulfill its fiduciary duty to Representative Davis, and therefore, the reports were filed late; and in that case, because of these exigent circumstances, moved to reduce the A-1 violation fine of \$7,000 to 50% which would be \$3,500. Member Rednour seconded the motion. The motion failed by 4-4 vote with Members Brady, Smart, Walters and Vice Chairman Schneider voting no. Member McGuffage moved to hold this matter over or to refer this matter back to a hearing officer and require that the hearing officer consider an affidavit that Representative Davis will obtain from his former accountant, make a new recommendation to the Board based on that affidavit and the record, or the Board's discussion today may be taken into consideration. Member Rednour seconded the motion. The motion failed by a vote of 4-3-1 with Members Smart, Walters and Vice Chairman Schneider voting no and Member Brady's present vote. Vice Chairman changed Mr. Brady's present vote to no and the motion failed by a vote of 4-4. Member McGuffage suggested going back and voting again and the motion failed by 4-4 vote with Members Brady, Smart, Walters and Vice Chairman Schneider voting against the motion. After further discussion, Member McGuffage moved to accept 50% of the A-1 fine in the amount of \$3,500. Member Rednour seconded the motion which passed 5-3 with Members Brady Walters and Vice Chairman Schneider voting no. Chairman Porter acknowledged that the \$3,500 and \$2,500 fines had to be paid within 30 days from the date of the Board Order.

After a brief recess the Chairman recognized Mr. Will McNeil, treasurer of the African-American Republican Council of Illinois. Mr. McNeill asked and was granted a continuance of *SBE v. AARC of Illinois*, S9909, 06DS178, until December 6, 2008.

Chairman Porter called *SBE v. Friends for Todd Stroger*, S9283, 06AG072 and asked the general counsel the status of this matter. Mr. Sandvoss indicated that an appeal hearing was conducted and that he agreed with the recommendation of the hearing officer to deny the appeal, but reduce the assessed penalty to 10% of the original amount of the assessment which would be \$25,581.65. Further, that two motions were filed in this matter. The first was a motion to intervene, which was denied by the hearing officer, and a motion to reconsider denial of the motion to intervene. In the meantime, a complaint was filed on behalf of Mr. Peraica against the Todd Stroger committee which is set for closed preliminary hearing later in the week. However, a motion to consolidate their complaint with the case before the Board was submitted as well. The General Counsel concurred with the hearing

officer to deny the motion to intervene. After discussion Member McGuffage moved to deny the petition for reconsideration of denial of the motion to intervene on the grounds stated in our rules and that Mr. Peraica can proceed with his independent complaint without jeopardy. Member Rednour seconded the motion which failed by 4-3-1 with Members Smart, Walters and Vice Chairman Schneider voting no and Member Brady's present vote. The Chairman explained that Mr. Peraica could not intervene as the motion to reconsider intervention failed. Vice Chairman Schneider explained that for purpose of completeness of the record, he moved to grant intervention to Mr. Peraica represented by Mr. Means. Member Smart seconded the motion which failed by 3-4-1 with Members Keith, McGuffage, Rednour and Chairman Porter voting against the motion and Member Brady's present. General Counsel Sandvoss affirmed that under 125.130, in the absence of a motion to change that decision, the hearing officer's decision stands. Chairman Porter ruled from the chair that the Board cannot get involved in a case that has not passed the preliminary hearing stage. Vice Chairman Schneider moved to grant the motion to consolidate the cases. Member Smart seconded the motion which failed by 3-4-1 with Members Keith, McGuffage, Rednour and Chairman Porter voting no and Member Brady's present vote. The Chairman called the appeal of *SBE v. Friends for Todd Stroger*, S9283, 06AG072. Mr. Burton S. Odelson and Felicia Frazier were present for the committee. Mr. Odelson presented his case with the assistance of charts. Mr. Odelson explained the constraints put upon the committee by the Ethics Ordinance and its far reaching effects. After discussion, the general counsel was asked for his recommendation. Mr. Sandvoss agreed with the recommendation of the hearing officer to deny the appeal, but reduce it to 10% of the original assessment. Member Walters moved to adopt the recommendation of the hearing officer and general counsel. Vice Chairman Schneider seconded the motion which failed by a 4-3-1 count. Members McGuffage, Rednour and Chairman Porter voted no and Member Brady voted present. Mr. Sandvoss indicated that it takes a five vote majority vote to impose a civil penalty, so denial or failure of the motion to pass does not mean that the fine is assessed, or that the appeal is granted. It is really of no consequence until the board by five votes chooses to do something. The Chairman called for a recess at 2:21 p.m. and the Board returned at 2:36 p.m. After further discussion, Member McGuffage moved to assess the Committee for actual violations of failure to report A-1 contributions from transfers in and from in-kind contributions, the contributions that came in from political committees is transfers and the in-kinds that came from the unions be included in the stipulated-to violations, and that the fine adds up to a total amount of \$141,816 and reduce the amount of the fine to 10% or \$14,200. I move that we assess this committee \$14,200 in penalties for a finding of violation of the Campaign Financial Disclosure Act. Member Rednour seconded the motion. Member Keith moved that the exhibit be included in the record of the case, the exhibit with the delineated ones that are being found for violations. Chairman Porter indicated it will be marked at Exhibit 1, October 15, 2007. The motion failed by a 4-3-1 count. Members Smart, Walters and Vice Chairman Schneider voted no and Member Brady voted present. Since there was no solution to the matter, the Chairman continued this matter to the next Board meeting.

The Chairman called Ms. Margo Alpert from the Illinois Campaign for Political Reform, who indicated they would like to intervene in the previous matter. She indicated that since no decision was made, they will submit written comments at a later date and that they would like to work with the Board on general procedures.

The General Counsel continued with rule to show cause hearings in *SBE v. Citizens to Elect Dennis Allen*, L13849, 07CD059 and *SBE v. Committee to Elect John A. Lartz*, S9158, 07CD038. He summarized the activities of the committees and indicated that the Board issued orders to file the reports within 30 days or face a civil penalty not to exceed \$5,000 and neither of the committees have filed those reports. Vice Chairman Schneider moved to order a rule to show cause why a penalty should not be imposed. Chairman Porter moved to continue these two items until the next meeting in Chicago.

Mr. Sandvoss continued with items 3 through 8, new appeals of campaign disclosure fines. He agreed with the hearing officer's recommendation to grant the appeals. He added that as to Item 8, the committee has to file an

amended report also. Vice Chairman Schneider moved to accept the recommendation of the hearing officer and general counsel with regards to Agenda Items 3, 4, 5, 6, 7, and 8. Member Rednour seconded the motion which passed 8-0 with the exception of items 3 and 6 which passed by 7-0-1, which, pursuant to Mr. Brady's direction, Vice Chairman Schneider voted present in connection with items 3 and 6 and voted yes with respect to the remaining items. Appeals were granted in 3) *SBE v. Citizens for Dorothy Tillman*, L825, 07AE017; 4) *SBE v. Friends of Vi Daley*, L9229, 07AE003; 5) *SBE v. Thompson for Sheriff*, L10686, 07JS007; 6) *SBE v. First CD Victory PAC*, L13868, 07AE008; 7) *SBE v. Friends of Mattie Hunter*, S8427, 06AG095; and in 8) *SBE v. Pellegrino for Illinois*, S9255, 06AG103, the appeal is contingent up the committee filing an amended report.

Mr. Sandvoss agreed with the hearing officers recommendation to deny the appeals of Agenda Items 9, 10, 11, 12, 13, 14, 15, 17, 19 and 20. Vice Chairman Schneider moved to accept the recommendations of the hearing officer and general counsel with respect to Agenda Items 9, 10, 13, 14, 15, 17, 19 and 20. Member Walters seconded the motion which passed unanimously. New Appeals were denied in 9) *SBE v. Peoples Party*, L12517, 07AE021; 10) *SBE v. Tom 4 Forest Preserve*, L13687, 07MA014; 11) *SBE v. Citizens to Elect Lona Lane*, L13713, 07AC031; 12) *SBE v. Friends of Denise Brown*, L13905, 07AC033; 13) *SBE v. William Davis for State Representative*, S8040, 07MA015; 14) *SBE v. Citizens to Elect Harold "Noonie" Ward*, S8340, 07CP030; 15) *SBE v. Friends for Levin*, S8797, 07JS053; 17) *SBE v. Committee to Elect Carol DiCola*, S9248, 06AG102; 19) *SBE v. Crete Township Democrats*, S9301, 07JS063; and 20) *SBE v. Friends of Joseph Bertrand Jr.*, S9378, 07AE014.

The General Counsel continued with his recommendation following public hearing. He agreed with the recommendation of the hearing officer that no further action be taken as to 21) *SBE v. 25<sup>th</sup> Ward Democratic Political Alliance*, 07CD042 other than that the campaign disclosure staff will assess the civil penalties that are appropriate based on the late filing of the report. In the matter of 23) *SBE v. Friends of Don Patterson*, 07CD067 he agreed with the hearing officers recommendation and asked the Board to specifically order the respondent committee to electronically file its February 2007 pre-election report. In the last item 22) *SBE v. Citizens for Gaughan*, 07CD055 Mr. Sandvoss agreed with the hearing officer that no further action is necessary other than assessing the appropriate civil penalty based on the number of days late the report was filed. Vice Chairman Schneider moved to accept the recommendation of the hearing officer and general counsel concerning Agenda Items 21, 22 and 23 and Member Rednour seconded the motion. The motion passed unanimously.

Mr. Sandvoss presented a letter from Harry Van Sickle, commissioner of the Bureau of Commissioners, Election and Legislation for the Commonwealth of Pennsylvania requesting to look at the source code that was used to develop the IDIS 2.0 software. Mr. Keith suggested that staff looks at this request in more detail and report next month. The matter was continued until the November meeting.

Other matters continued until November are: consideration of mandatory training of political officers and the revised script for satellite downlink seminar.

General Counsel Sandvoss presented a list of committees that have been assessed a civil penalty, who did not appeal the assessment of those penalties and asked for a final order assessing the civil penalty against the committees. Member Smart so moved and Member Keith seconded the motion which passed unanimously. Member McGuffage recused himself from S9018 and Member Walters recused himself from the first one, Caterpillar Foundation.

Payment of civil penalties assessments in the total amount of \$17,153.30 was submitted for informational purposes.

The last item was a required review of the minutes of Executive Sessions. In five of those meetings certain items were discussed regarding the Cook County Republican Party and the Campaign for Political Reform cases. Both are under appeal and the record has been sealed by the Appellate Court. Any discussion regarding these cases contained in the minutes should remain confidential. Also, three other items that were part of the closed preliminary hearing process should be kept confidential to protect the rights of the respondents in those cases. Further discussion regarding the audio tape will continue at the November meeting.

Member Rednour moved to retire to executive session and Member McGuffage seconded the motion. The motion passed by ayes in unison and none opposed. The Board recessed at 3:33 p.m.

The Board returned to open session at 3:48 p.m. Mr. Keith moved to ratify the salary adjustment for the division directors as voted on in Executive Session. Member Smart seconded the motion which passed by ayes in unison and none opposed.

The Chairman recognized Member Smart during other business. Member Smart suggested that voters identification cards should be issued with your picture on it, since you have to show a driver's license when you go to register.

Executive Director White asked if the Board would consider moving the November 19<sup>th</sup> meeting from Springfield to Chicago, since that is the first day the Board will be scheduled to meet as the State Officers Electoral Board and the November meeting was scheduled to be held outside the Board's Springfield office. He continued that in the past, the first day of objections is an organizational meeting and that most of the attorneys and hearing officers are in the Chicago area. Member Smart moved to hold the November 19<sup>th</sup> meeting in Chicago if it is possible to work out the proper arrangements and the December meeting in Chicago also. Member Rednour seconded the motion which passed 7-1 with Member Walters voting no.

Member McGuffage asked if it was feasible to put our voter registration data file on the Internet and sell passwords to people with a confidentiality agreement that they won't use it for commercial purposes. Mr. White said he would check with the IT department and get back to the board.

Chairman Porter adjourned the meeting at 3:55 p.m.

Dated: October 22, 2007

Respectfully Submitted,



Daniel W. White, Executive Director



Darlene Gervase

# STATE BOARD OF ELECTIONS

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## MEMORANDUM

*From the desk of:*  
*Daniel W. White, Executive Director*

**TO:** Members of the Board

**SUBJECT:** October 29 – November 5 Candidate Petition Filing

**DATE:** November 8, 2007

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After months of planning, meetings and walk-throughs, we have completed the first of three petition filing periods for the February 5, 2008 General Primary Election. On the first day of filing a record 650 candidates filed by 8:00 a.m. All 8 a.m. filers were processed and entered into our database by 10:30 a.m. A total of 960 candidates filed during the week long period, including 176 on the last day.

Thanks to the leadership of Director of Election Information Mark Mossman and great efforts of the entire SBE staff, the filing period was a great success and we received many compliments on staff professionalism, courtesy and knowledge. A sampling of some comments:

- “thank you for a smoothly run and efficient operation”
- “the agency is such a class act”
- “your staff are so pleasant and professional – the best in the state”

We now move into the remaining Special Judicial Filing and Presidential Filing periods and corresponding objection periods. Dates for the Board to keep in mind for the next month:

- Monday, November 19 – Board meeting in Chicago and objection hearing date for the October 29 – November 5 petition filing period
- Thursday, December 6 – Board meeting in Chicago for certification
- Monday, December 10 – objection hearing date via videoconference call (if needed) for the November 19 – 26 Special Judicial filing period
- Tuesday, December 18 – objection hearing date via videoconference call (if needed) for the November 28 – December 5 Republican Presidential and Delegate filing period
- Friday, December 21 – certification of Republican Presidential and delegate candidates via videoconference call

All meeting times have been tentatively set at 10:30 a.m.

# Judges Schools GP 2008

<b>Date</b>	<b>Jurisdiction</b>	<b>No. of Schools</b>	<b>Attendance</b>	<b>Zone</b>
Thursday, November 15, 2007	McLean	2	0	Three
Friday, November 16, 2007	McLean	1	0	Three
Thursday, November 29, 2007	McLean	2	0	Three
Friday, November 30, 2007	McLean	2	0	Three
Tuesday, December 04, 2007	St Clair	3	0	One
Wednesday, December 05, 2007	St Clair	3	0	One
Thursday, December 06, 2007	St Clair	3	0	One
Tuesday, December 11, 2007	Woodford	2	0	Three
Wednesday, December 12, 2007	Menard	2	0	Two
Tuesday, December 18, 2007	Edwards	2	0	One
Thursday, December 20, 2007	Saline	2	0	One
Thursday, January 03, 2008	Morgan	3	0	Two
Friday, January 04, 2008	Morgan	3	0	Two
Monday, January 07, 2008	Jackson	2	0	One
Monday, January 07, 2008	Marion	1	0	One
Tuesday, January 08, 2008	Jackson	2	0	One
Tuesday, January 08, 2008	Marion	2	0	One
Wednesday, January 09, 2008	Lawrence	2	0	One
Wednesday, January 09, 2008	Massac	2	0	One
Thursday, January 10, 2008	Fayette	2	0	One
Thursday, January 10, 2008	Gallatin	2	0	One
Thursday, January 10, 2008	Macoupin	3	0	Two
Monday, January 14, 2008	Monroe	4	0	One
Monday, January 14, 2008	Moultrie	2	0	Three
Tuesday, January 15, 2008	Effingham	3	0	One
Tuesday, January 15, 2008	Monroe	4	0	One

Tuesday, November 06, 2007

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<b>Date</b>	<b>Jurisdiction</b>	<b>No. of Schools</b>	<b>Attendance Zone</b>	
Tuesday, January 15, 2008	Montgomery	4	0	Two
Wednesday, January 16, 2008	Alexander	2	0	One
Wednesday, January 16, 2008	Effingham	3	0	One
Thursday, January 17, 2008	Hamilton		0	One
Thursday, January 17, 2008	Marshall	2	0	Three
Thursday, January 17, 2008	Pulaski	1	0	One
Tuesday, January 22, 2008	Cass	2	0	Two
Tuesday, January 22, 2008	Greene	2	0	Two
Tuesday, January 22, 2008	Williamson	3	0	One
Wednesday, January 23, 2008	Scott	1	0	Two
Wednesday, January 23, 2008	Union	2	0	One
Thursday, January 24, 2008	Christian	3	0	Two
Thursday, January 24, 2008	Hardin	1	0	One
Thursday, January 24, 2008	Henderson	2	0	Three
Thursday, January 24, 2008	Pope	1	0	One
Saturday, January 26, 2008	E St Louis	2	0	One

# **STATE BOARD OF ELECTIONS**

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## **MEMORANDUM**

*From the desk of:*  
*Daniel W. White, Executive Director*

**TO:** Members of the Board

**SUBJECT:** Contingency Plan for the February Primary Election

**DATE:** November 8, 2007

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At the October meeting the Board requested we obtain input from election officials and the Governor's office regarding contingency plans for the primary election. Both have been contacted.

The Association of County Clerks has a meeting in Chicago the week of November 19 and McHenry County Clerk Kathie Schultz has indicated that this matter will be discussed and a committee formed to address the issue.

We have contacted the Governor's office and they have referred us to the Illinois Emergency Management Agency for coordination of efforts.

# **STATE BOARD OF ELECTIONS**

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## **MEMORANDUM**

*From the desk of:*  
*Daniel W. White, Executive Director*

**TO:** Members of the Board

**SUBJECT:** HAVA Update

**DATE:** November 8, 2007

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I will have an oral update at the meeting of any HAVA activity.

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## INTEROFFICE MEMORANDUM

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TO: Dan White, Executive Director

From: Dianne Felts, Director of Voting Systems and Standards (VOSS)

Subject: Approval of marking pens for Sequoia's Optech 400-C (WinETP 1.14.3) and Optech Insight Plus (APX K2.12, HPX K1.44) with WinEDS 3.1.074

Date: November 2, 2007

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Sequoia Voting Systems requests that our Board grant approval for additional types of pens for voters' to use in marking the Optech ballots. The current approved marking instrument is the Micron pen. The new pens that staff tested are: Eberhard Faber, the Uni-ball Signo RT, and the Uni-ball VISION EXACT. We did try other pens such as the BIC Cristal Gel and the Pilot G-2 but we eliminated them early since we had smears and pools of ink when we started to mark the ballots. We also experienced bleed through from the judge's initials buckle on the front of the ballot through to the county board race on the back of the ballot.

Sequoia furnished four representatives and fifteen temporary employees to assist us with the pen approval process along with at least sixteen Insights and one 400-C machine. In addition the vendor furnished the leased building space to conduct the approval tests. The tests lasted seven days while the marking of the ballots took months.

The test with the Eberhard Faber consisted of 12,400 ballots run through the in-precinct Insights and 7,840 ballots run through the central count Optech 400-C. We received accurate counts.

The test with the Uni-ball Signo RT consisted of 12,400 ballots run through the in-precinct Insights and 14,880 ballots run through the central count Optech 400-C. We received accurate counts.

The test with the Uni-ball VISION EXACT consisted of 13,820 ballots run through the in-precinct Insights and 11,760 ballots run through the central count Optech 400-C. Originally, we had two miscounts concerning this pen in a mock 3800 voters' precinct on the Insight. We reran the precinct in parcels on different Insights and all counts were accurate. We suspected that we had some marginal marks that did not count in all orientations and the possibility of slight skewing. We received accurate counts on the Optech 400-C.

VOSS tested with approximately over 100,000 marks per pen. The Eberhard Faber and the Uni-ball Signo RT performed well. These pens smudged somewhat but not enough to warrant a real problem. Remember, we marked for months with few problems encountered with excessive smudging on the ballots especially in the target areas. The Uni-ball VISION EXACT functioned fine but also smudged, especially when the pens had been used for sometime. The smudges seemed more pronounced with this pen but only after we had used them for a long time.

None of these pens were as easy to use as the Micron in regards to smudging but they did work well and of course, are cheaper. VOSS recommends approval of the three pens as long as the ballots' paper quality is of the same weight as our test.

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## INTEROFFICE MEMORANDUM

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To: Daniel W. White, Executive Director

From: Dianne Felts, Director of Voting Systems and Standards (VOSS)

Subject: Sequoia Edge2Plus Model 300, Firmware 1.2.33 hardware modification  
(Upgrade of the electrostatic discharge protection)

Date: November 7, 2007

---

Sequoia Voting Systems is requesting our Board's approval for hardware modifications to the Edge2Plus. This is the vendor's direct recording electronic device. The modification centers around the effect of static electricity on the machine's printer. Cook and Chicago, both experienced in especially dry rooms during winter, the Edge's printers improperly functioning. The printers would get static electricity build-up and the rolls of paper on the machines would spin uncontrollably. The effect of this, of course, was startled voters; however, it did not cause a tabulation problem. To alleviate this scenario of the "runaway printer"; the vendor replaced a plastic printer paper sleeve with an aluminum sleeve, replaced coated screws with uncoated screws, revised the layout of a certain printer board in the machine, and included an anti-static brush on the top of the paper roller mechanism. These are all hardware revisions and not software-related.

Staff discussed this modification with Bob Affrunti, an engineer, who agreed that the adjustments should serve their purpose. He could not tell staff about reliability but only that the changes should have positive effects. He also commented after seeing the testing laboratory report provided by the vendor that the tester used humidity extremes, even lower than most tests require. In fact, neither the current EAC nor its predecessor the FEC provided standards to test at these extremes. Because of the current policy of the EAC, they will not issue a number or have one of the approved testing authority's check this enhancement at this time. The Election Assistance Commission's policy is that if the vendor has a modification with the original machine receiving a NASED number under the FEC, the EAC would need to recheck the entire system. This takes a very long time. This is the case even if the EAC said the modification would not need any further testing or it was minor which could be the Edge's case.

In addition, the vendor gave a demonstration of the before and after product (brush) to VOSS. We even test-voted over 50 ballots to check any differences between the machines and we noticed no functional changes. Lastly, we encountered no tabulation problems.

Attach: 1 page and 2 pages from a separate report

## **Voting System Application for Approval**

**Name of Company:** Sequoia Voting Systems, Inc.  
**Address:** 717 17<sup>th</sup> Street  
Suite 310  
Denver, CO 80202  
**Phone:** 720-746-2600  
**Contact Person:** Sandy Green, Director, Certification  
720-746-2606  
303-775-3334 cellular  
sgreen@sequoiavote.com

### **Officers of the Company:**

Jack Blaine, President

### **Name and general description of the system or component:**

***EDGE2PLUS ELECTRONIC VOTING MACHINE MODEL 300 FIRMWARE VERSION 1.2.33***

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### **Name and general description of the system or component to be certified:**

#### ***(LIST OF COMPONENTS CHANGING)***

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The EDGE2PLUS is a touch screen accessible voting booth, which uses a smart card as the voter interface. It permits voters to view and cast their votes by touching target areas on an electronically generated ballot. Each unit provides a direct-entry computerized voting application that automatically records and stores appropriate ballot information and results. The UTG300 printer allows the voter to verify the ballot on a glass covered paper print out before the ballot is cast. This paper print out can be used to verify the votes cast electronically. At the end of the voting period, the system can print precinct totals to be included as part of the permanent record.

NOTE: This application is for only a hardware modification to upgrade the electrostatic discharge (ESD) protection for the Edge2plus. The list of materials for this was sent under separate cover. There is no change to the firmware of the Edge2plus as a result of this upgrade.

## Test Program Summary

<b>Test Report Number:</b>	R-11943
<b>Customer:</b>	Smartmatic International Corp.
<b>Address:</b>	Port St. Charles, Chart Room, 3rd Floor, Heywoods St. Peter 26080, Barbados
<b>Test Sample:</b>	Edge 2 Plus
<b>Part Number:</b>	E2P300 Rev. C0.2
<b>Model Number:</b>	300
<b>Serial Number:</b>	005471

### Test Specification:

MIL-STD-810F, Department Of Defense, Test Method Standard For Environmental Engineering Considerations And Laboratory Tests, 1 January 2000.

### Mode of Operation:

During the performance of all testing specified herein, voting simulation every 10 minutes including printing. (Software version 1.2.33).

### Acceptability Criteria:

There was no change in the operating mode during the testing of the Edge 2 Plus.

### Input Voltage:

The EUT was powered with 115, 60 Hz with a nominal current of 1.3 Amps.

### Test Method:

The following table depicts the test method that was performed on the Edge 2 Plus and the corresponding Test Result:

Test Method	Testing Date(s)	Test Result
High Temperature	April 26 - 27, 2007	Complied

### Modifications:

No modifications were made to the Edge 2 Plus during the course of this testing.



Retlif Testing Laboratories

Report No. R-11943

## TEST DATA SHEET

<b>Test Method</b>	High Temperature	<b>Job Number</b>	R-11943
<b>Customer</b>	Smartmatic		
<b>Test Sample</b>	Edge 2 Plus		
<b>Part Number</b>	E2P300 Rev. C0.2	<b>Model Number</b>	300
<b>Test Specification</b>	Mil-Std-810F, Department Of Defense Test Method Standard For Environmental Engineering Considerations And Laboratory Tests.		<b>Serial Number</b>
		<b>Paragraph</b>	4.5.3
<b>Operating Mode</b>	Voting simulation every 10 minutes including printing. (Software version 1.2.33)		
<b>Technician</b>	C.Dorsch	<b>Date</b>	4/26/07-4/27/07
<b>Notes:</b>			

Date	Time	Test Log
4/26/07	13:45	Begin High Temperature Test.
		The EUT was placed in the temperature chamber energized and operating.
		The chamber temperature was raised to 35°C and 6% relative humidity.
		This condition was maintained for 1 hour.
	15:38	The chamber was adjusted to 34°C and 7% relative humidity over a one hour period.
	16:38	This condition was maintained for 1 hour.
	17:38	The chamber was adjusted to 33°C and 8% relative humidity over a one hour period.
	18:38	This condition was maintained for 1 hour.
	19:38	The chamber was adjusted to 32°C while maintaining 8% relative humidity over a one hour period.
	20:38	The chamber was adjusted to 33°C while maintaining 8% relative humidity over a one hour period.
	21:38	The chamber was adjusted to 35°C and 6% relative humidity over a one hour period.
	22:38	The chamber was adjusted to 38°C while maintaining 6% relative humidity over a one hour period.
	23:38	The chamber was adjusted to 41°C and 5% relative humidity over a one hour period.
4/27/07	00:38	The chamber was adjusted to 43°C and 4% relative humidity over a one hour period.
	01:38	The chamber was adjusted to 44°C while maintaining 4% relative humidity over a one hour period.
	02:38	The chamber was adjusted to 47°C and 3% relative humidity over a one hour period.
	03:38	The chamber was adjusted to 48°C while maintaining 3% relative humidity over a one hour period.
	04:38	This condition was maintained for 1 hour.
	05:38	The chamber was adjusted to 49°C while maintaining 3% relative humidity over a one hour period.
	06:38	The chamber was adjusted to 48°C while maintaining 3% relative humidity over a one hour period.
	07:38	This condition was maintained for 1 hour.
	08:38	The chamber was adjusted to 46°C while maintaining 3% relative humidity over a one hour period.
	09:38	The chamber was adjusted to 42°C and 4% relative humidity over a one hour period.
	10:38	The chamber was adjusted to 41°C and 5% relative humidity over a one hour period.
	11:38	The chamber was adjusted to 39°C and 6% relative humidity over a one hour period.
	12:38	The chamber was adjusted to 38°C while maintaining 6% relative humidity over a one hour period.
	13:38	The chamber was adjusted to 37°C while maintaining 6% relative humidity over a one hour period.
	14:50	The chamber temperature was returned to ambient conditions.
		Complete High Temperature Test.
<b>Results:</b>	There was no apparent visual damage noted as a result of this test. The Edge 2 Plus met the requirements of the High Temperature Test.	

Sheet 1 of 3



**Retlif Testing Laboratories**

Report No. R-11943

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## INTEROFFICE MEMORANDUM

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TO: Daniel W. White, Executive Director

From: Dianne Felts, Director of Voting Systems and Standards (VOSS)

Subject: Mr. Gough's request for Sequoia's extension of WinEDS version 3.1.074

Date: November 8, 2007

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The State Board of Elections granted interim approval to Sequoia's WinEDS operating and reporting software version 3.1.074 and other Sequoia components with this version initially, on October 13, 2006. This approval had a stipulation that because VOSS had not been able to rerun our mock test over both of our mock elections (The General and the Consolidated) the Sequoia system was only approved for the November 2006 General Election. On January 16, 2007, the Board approved the Sequoia system with the WinEDS version 3.1.074 for the required 2year interim approval. The interim approvals for all of Sequoia's components requested in January would not expire until a 2 year period; thus, the interim period is still in effect.

Staff did request that Sequoia present accurate canvasses and be able to report votes by ballot style in split precincts. This, obviously, Sequoia is unable to accomplish until the new version of WinEDS, 4.0, has gone through the testing routine of the Election Assistance Commission and then, of course, our testing along with the Board's approval. Since Sequoia's status is in the interim, VOSS recommends that as Mr. Gough suggested in his letter to Mr. White that the Chicago Board along with the Cook County Clerk manually audit and report on vote totals in split precincts in time for our Board's certification of the February 5, 2008 General Primary election results. This is the best solution of the current situation.

# **STATE BOARD OF ELECTIONS**

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## **MEMORANDUM**

*From the desk of:*  
*Daniel W. White, Executive Director*

**TO:** Members of the Board

**SUBJECT:** SBE Agency Newsletters

**DATE:** November 8, 2007

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I am very pleased to announce that we have reinstituted the SBE agency newsletter. In addition to Board members, the newsletter was sent to all election authorities and SBE staff the week of November 5.

We are now periodically publishing two newsletters – our Illinois Voter Registration System (IVRS) newsletter has been in circulation for a year.

The long term plan is to eventually combine both publications into one, but, for now there is a need for both – one dedicated solely to the IVRS activity and the second to broader election related topics.

Your comments are welcome.

Attachment



# Illinois State Board of Elections Newsletter

November 2007

ALBERT S. PORTER, CHAIRMAN  
BRYAN A. SCHNEIDER, VICE CHAIRMAN  
DAN WHITE, EXECUTIVE DIRECTOR

BECKY GLAZIER, EDITOR  
AMY CALVIN, NEWSLETTER COORDINATOR



*FROM THE DESK OF  
DAN WHITE,  
EXECUTIVE DIRECTOR*

The State Board of Elections is resurrecting its periodic agency newsletter. The newsletter will include information from Board divisions as well as important dates that would concern all in the election community. If there is anything in particular you would like to see in the newsletter please contact Becky Glazier at [bglazier@elections.il.gov](mailto:bglazier@elections.il.gov) or 217/782-1536.

## SBE WEBSITE

Now available in the 'About the Board' section are the monthly Board meeting packets, minutes, press releases and public notices for your information. This is where the SBE Newsletter can also be found.

## HAVA FUNDING UPDATE

Current grants available to all jurisdictions

Phase II -- available until November 2008  
Can be used to meet the requirements of Title III

VAID II -- available until November 2008  
Can be used for polling place accessibility only, including accessible voting equipment

At this time there is no indication of any additional federal funding to be distributed to the states.

## Did you know?

On two occasions, in 1800 and 1824, the House of Representatives has been called upon to elect the President due to the lack of an absolute majority of Electoral College votes. In both cases the lame duck Congress did the job. However, an 1887 law says the newly elected Congress will choose the president.

## IMPORTANT DATES

### 2007

First day of filing for candidates of established political parties, independent candidate, Democratic Presidential Preference candidates, and delegate and alternate delegate candidates —  
Monday, October 29

Board meeting — Monday, October 15  
Board meeting — Monday, November 19  
Campaign Disclosure Downlink seminar —  
Saturday, December 1  
Board meeting—Thursday, December 6

### 2008

Last day to register to vote — Tuesday, January 8  
First day for grace period registration —  
Wednesday, January 9  
First day for early voting — Monday, January 14  
Board and Advisory Committee meeting —  
Tuesday, January 22  
General Primary Election—Tuesday, February 5

## LEGISLATION

As we are anxiously awaiting the signing of Senate Bill 662, (with most projected dates of the signing being November 13<sup>th</sup>) let's look at a couple specific provisions included in that bill.

First, Senate Bill 662 amends Sections 4-105, 5-105 and 6-105. These sections will now provide that voters who registered to vote by mail may vote by mail-in absentee ballot, so long as they provide sufficient proof of identity (copy of driver's license, social security number, etc.). Currently, such voters are limited to voting in person (including in-person absentee voting). Persons who apply to register to vote by mail but provide inadequate ID shall be notified by the election authority that the registration is not complete and that person remains ineligible to vote until such proof is presented. The language in this Section dealing with documentation was taken straight from HAVA.

Second, this legislation amends Section 13-10. This language allows for that portion of an election judge's daily compensation reimbursed by the State Board of Elections to be increased by an additional \$20. Please be advised that this money was not appropriated in the State of Illinois FY08 budget. Therefore, no increase will be available for the February primary.

For your records, here are other elections legislation signed into law by the Governor:

HB 426 – Moves the General Primary date to February 5<sup>th</sup>

HB 1872 – School canvassing

HB 1753 – Voter Registration Task Force

HB 263 – Sex Offenders and Voting

SB 299 – Allows non-partisan civic organization pollwatchers

SB 996 – Residency requirements for judges

## CAMPAIGN DISCLOSURE

The Campaign Disclosure Division would like to remind everyone of the fact that with the moving of the **General Primary Election** to the first Tuesday of February of every even numbered year that it also affects several reporting and filing periods. The changes are:

The Semi-annual filing period has been shortened. All semi-annual reports must be filed by the 20<sup>th</sup> of January & July unless the 20<sup>th</sup> falls on a weekend or a holiday.

The Pre-election Report for the **General Primary Election** has been eliminated.

The A-1 filing period (donations of more than \$500 that must be reported within 2 business days) for the General Primary starts with the 1<sup>st</sup> of January and runs through and including the day prior to the election or February 4<sup>th</sup>. Thus, the A-1 filing period for the February 5<sup>th</sup> Primary Election covers the period starting January 1, 2008 and runs through and including February 4, 2008.

## MEET THE STAFF



LINDA WENTZ  
SPRINGFIELD

SAY HELLO  
TO OUR SPRINGFIELD AND  
CHICAGO OFFICE  
RECEPTIONISTS



TIA JEFFERSON  
CHICAGO

**STATE BOARD OF ELECTIONS**

**1020 South Spring Street  
Springfield, Illinois 62704  
217/782-4141**

**Rupert T. Borgsmiller**

**Director, Campaign Disclosure**

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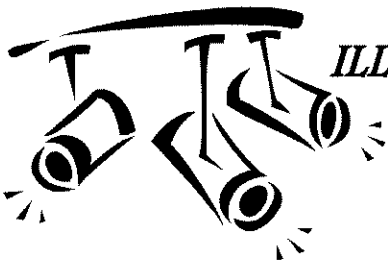
To: Members of the Board, Daniel W. White, Executive Director, & Steve Sandvoss, General Counsel

Re: Informational – Campaign Disclosure Downlink Seminar

Date: November 7, 2007

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For your information, attached is the flyer for the December 1, 2007 Campaign Disclosure Downlink Seminar. This year's seminar will be held at 12 locations statewide and, as it was last year, be available as a streaming video broadcast so that it can also be viewed from your home computer.



**ILLINOIS STATE BOARD OF ELECTIONS  
PRESENTS**

**CAMPAIGN DISCLOSURE SEMINAR  
December 1, 2007**

Via satellite downlink for new and existing  
Political Committees and Candidates




December 1, 2007  
10:00 AM to 12:00 PM

Located at 12 sites statewide (see reverse side for listings). More locations will be added if they become available. Please check the State Board of Elections website for location updates.

What is a downlink seminar?

Here you will have the opportunity to simultaneously view the same presentation seen by other committees and candidates around the state. The presentation is broadcast from a central location and immediately following is a live question and answer session based on calls we receive from you (hotlines are provided at all locations). There is no cost to attend the seminar and no pre-registration is necessary. The seminar may also be viewed from any computer as a streaming video presentation. Please go to our home page, [www.elections.il.gov](http://www.elections.il.gov) and click on "Campaign Disclosure". A link will be provided that takes you to the streaming video broadcast.

What you will learn about:

-  The Campaign Disclosure Act and its' most recent changes
-  What you need to know for reporting in order to comply with the Act (Please review the forms you received in your most recent packet or on our website before attending.)
-  Your option to file electronically using IDIS (Please note: This is not an electronic filing workshop.)

To download the IDIS software for electronic filing click here:  
[www.elections.il.gov/CampaignDisclosure/DownloadIDISSoftware.aspx](http://www.elections.il.gov/CampaignDisclosure/DownloadIDISSoftware.aspx)

All other forms & brochures may be found here:  
<http://www.elections.il.gov/CampaignDisclosure/Downloads.aspx?NavLink=1>

Please call Sue McArthur at (217) 782 -1543 for information on site locations or if you have any questions about the seminar.

***CAMPAIGN DISCLOSURE SEMINAR  
DOWNLINK LOCATIONS***

**December 1, 2007  
10:00 am – 12:00 pm**

**Cook County**

University of IL at Chicago  
750 S Halsted  
Student Center East  
3<sup>rd</sup> floor, White Oak –AB  
Chicago, IL 60607

**Lake County**

College of Lake County  
19351 W. Washington  
Room C-132  
Grayslake, IL 60030

**Will County**

Joliet Junior College  
1215 Houbolt Rd.  
TV Studio J-3011  
Joliet, IL 60431

**Champaign County**

Lincoln Trail Libraries System  
1704 W Interstate Dr.  
Board Room  
Champaign, IL 61822

**McHenry County**

McHenry County College  
8900 US Highway 14  
Room B168-169  
Crystal Lake, IL 60012

**Williamson County**

John A. Logan College  
700 Logan College Rd.  
Room C138  
Carterville, IL 62918

**DuPage County**

College of DuPage  
425 Fawell Blvd.  
Room OCC106  
Glen Ellyn, IL 60137

**Peoria County**

Illinois Central College  
115 SW Adams  
Perley Bldg., Room 203  
Peoria, IL 61635

**Winnebago County**

Rock Valley College  
3301 N. Mulford Rd.  
Performing Arts Room  
Rockford, IL 61114

**Kane County**

Elgin Community College  
Room UBC103  
1700 Spartan Drive  
Elgin, IL 60123

**Sangamon County**

State Board of Elections  
1020 S Spring Street  
Board Room  
Springfield, IL 62704

**Vermilion County**

Danville Area Community College  
2000 E Main Street  
Danville, IL 61832

# **STATE BOARD OF ELECTIONS**

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## **MEMORANDUM**

*From the desk of:*  
*Daniel W. White, Executive Director*

**TO:** Members of the Board

**SUBJECT:** FY07 Fiscal Status Report

**DATE:** November 6, 2007

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We have completed one third of the fiscal year and the attached report reflects reasonable spending levels. We continue to closely monitor spending patterns as we enter the candidate petition objection/verification period.

Attachment

**STATE BOARD OF ELECTIONS**  
**FY08 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b>AGENCY TOTALS</b> <b><u>MONTH ENDING: October 31, 2007</u></b>	<b><u>FY08</u></b> <b><u>APPROPRIATION</u></b>	<b><u>YEAR TO DATE</u></b> <b><u>EXPENDITURE</u></b>	<b><u>OBLIGATED</u></b> <b><u>MONEY</u></b>	<b><u>BALANCE</u></b>	<b><u>% OF</u></b> <b><u>EXPENDITURE</u></b>
PERSONAL SERVICE	\$3,338,400.00	\$1,037,036.23	\$0.00	\$2,301,363.77	31.06%
STATE PAID RETIREMENT	\$133,800.00	\$41,230.96	\$0.00	\$92,569.04	30.82%
RETIREMENT	\$552,800.00	\$171,528.25	\$0.00	\$381,271.75	31.03%
SOCIAL SECURITY	\$255,800.00	\$76,155.17	\$0.00	\$179,644.83	29.77%
CONTRACTUAL SERVICE	\$843,700.00	\$184,083.82	\$349,420.62	\$310,195.56	21.82%
TRAVEL	\$113,000.00	\$23,447.98	\$0.00	\$89,552.02	20.75%
PRINTING	\$43,800.00	\$5,706.50	\$0.00	\$38,093.50	13.03%
COMMODITIES	\$31,500.00	\$11,521.37	\$0.00	\$19,978.63	36.58%
EQUIPMENT	\$119,500.00	\$59,163.15	\$1,012.00	\$59,324.85	49.51%
TELECOMMUNICATIONS	\$112,400.00	\$8,056.63	\$0.00	\$104,343.37	7.17%
OPERATION OF AUTOMOTIVE EQUIPMENT	\$3,700.00	\$759.05	\$0.00	\$2,940.95	20.51%
HAVA MAINTENANCE OF EFFORT	\$550,000.00	\$485,621.00	\$64,379.00	\$0.00	88.29%
ELECTION CODE BOOKS	\$15,000.00	\$0.00	\$0.00	\$15,000.00	0.00%
<b>SUB-TOTAL (OPERATIONS)</b>	<b>\$6,113,400.00</b>	<b>\$2,104,310.11</b>	<b>\$414,811.62</b>	<b>\$3,594,278.27</b>	<b>34.42%</b>
COUNTY CLERK & RECORDER STIPENDS	\$806,000.00	\$0.00	\$0.00	\$806,000.00	0.00%
ELECTION JUDGE REIMBURSEMENT	\$1,450,000.00	\$0.00	\$0.00	\$1,450,000.00	0.00%
VOTER REGISTRATION TAPES	\$20,250.00	\$0.00	\$0.00	\$20,250.00	0.00%
<b>SUB-TOTAL (GRANTS)</b>	<b>\$2,276,250.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$2,276,250.00</b>	<b>0.00%</b>
<b>TOTAL APPROPRIATION</b>	<b>\$8,389,650.00</b>	<b>\$2,104,310.11</b>	<b>\$414,811.62</b>	<b>\$5,870,528.27</b>	<b>25.08%</b>

**STATE BOARD OF ELECTIONS**  
**FY08 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b>BOARD</b> <b>MONTH ENDING: October 31, 2007</b>	<b>FY08</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>CONTRACTUAL SERVICE</b>				
1205 Freight Express & Drayage	\$2,500.00	\$318.74	\$2,181.26	12.75%
1221 Repair/Maint. Furn./Office Equipment			\$0.00	0.00%
1232 Rental Motor Vehicles	\$1,000.00		\$1,000.00	0.00%
1239 Rental, NEC			\$0.00	0.00%
1243 Book Binding Services			\$0.00	0.00%
1266 Court Reporting & Filing Services	\$15,000.00	\$2,943.00	\$12,057.00	19.62%
1274 Reg. Fees & Conf. Expenses (Vendor)	\$350.00		\$350.00	0.00%
1275 Subscriptions			\$0.00	0.00%
1276 Reg. Fees & Conf. Expenses (Employee)	\$25.00		\$25.00	0.00%
1277 Association Dues			\$0.00	0.00%
1280 Copying, Photographic & Printing Services	\$25.00		\$25.00	0.00%
1286 Travel, Non-State Employee			\$0.00	0.00%
1289 Contractual Services, NEC	\$100.00		\$100.00	0.00%
<b>TRAVEL</b>	\$19,100.00	\$3,381.33	\$15,718.67	17.70%
<b>EQUIPMENT</b>				
1510 Office Furniture & Equipment	\$500.00		\$500.00	0.00%

<b>BOARD GRAND TOTAL</b>	<b>FY08</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>CONTRACTUAL SERVICE</b>	\$19,000.00	\$3,261.74		\$15,738.26	17.17%
<b>TRAVEL</b>	\$19,100.00	\$3,381.33		\$15,718.67	17.70%
<b>EQUIPMENT</b>	\$500.00	\$0.00		\$500.00	0.00%
<b>TOTAL</b>	<b>\$38,600.00</b>	<b>\$6,643.07</b>	<b>\$0.00</b>	<b>\$31,956.93</b>	<b>17.21%</b>

**STATE BOARD OF ELECTIONS**  
**FY08 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b>ADMINISTRATION</b> <b>MONTH ENDING: October 31, 2007</b>	<b>FY08</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$562,300.00	\$185,569.00	\$376,731.00	33.00%
1129 State Paid Retirement	\$22,600.00	\$7,441.28	\$15,158.72	32.93%
1161 Retirement	\$93,100.00	\$30,809.32	\$62,290.68	33.09%
1170 Social Security	\$43,100.00	\$13,410.31	\$29,689.69	31.11%
<b>CONTRACTUAL SERVICE</b>				
1201 Petty Cash	\$500.00		\$500.00	0.00%
1205 Freight Express & Drayage	\$500.00		\$500.00	0.00%
1221 Repair/Maint. Furn./Office Equipment	\$15,000.00	\$1,686.81	\$13,313.19	11.25%
1223 Repair/Maint. Real Property	\$200.00		\$200.00	0.00%
1230 In-House Repair & Maintenance	\$100.00		\$100.00	0.00%
1231 Rental, Office Equipment	\$31,600.00	\$3,649.32	\$27,950.68	11.55%
1232 Rental, Motor Vehicles	\$4,600.00		\$4,600.00	0.00%
1233 Rental, Real Property	\$198,300.00	\$81,904.30	\$116,395.70	41.30%
1234 Rental, Machinery & Mechanical Eqmt				
1239 Rental, NEC	\$400.00		\$400.00	0.00%
1240 Statistical & Tabulation Services	\$9,600.00	\$1,416.52	\$8,183.48	14.76%
1248 Building & Grounds Maintenance	\$13,000.00	\$4,553.42	\$8,446.58	35.03%
1251 Gas	\$6,700.00	\$489.89	\$6,210.11	7.31%
1252 Electricity	\$34,800.00	\$13,890.37	\$20,909.63	39.91%
1253 Water	\$600.00	\$176.13	\$423.87	29.36%
1255 Utilities, NEC	\$500.00	\$134.00	\$366.00	26.80%
1261 Postage	\$62,000.00	\$20,307.53	\$41,692.47	32.75%
1266 Court Reporting				
1274 Reg Fees & Conf. Expenses (Vendor)	\$800.00		\$800.00	0.00%
1275 Subscription & Information Services	\$2,500.00	\$581.27	\$1,918.73	23.25%
1276 Reg.Fees & Conf. Expenses (Employee)	\$500.00		\$500.00	0.00%
1277 Association Dues	\$1,700.00	\$445.00	\$1,255.00	26.18%
1281 Interviewee Expense - To Vendors				
1285 Taxes, Licenses & Fees	\$100.00		\$100.00	0.00%
1289 Contractual Services, NEC	\$1,500.00	\$450.00	\$1,050.00	30.00%
<b>TRAVEL</b>				
1291 In-State	\$16,800.00	\$2,723.80	\$14,076.20	16.21%
1292 Out-of-State	\$1,700.00		\$1,700.00	0.00%
<b>PRINTING</b>	\$10,600.00		\$10,600.00	0.00%
<b>COMMODITIES</b>				
1304 Office/Library Supplies	\$12,300.00	\$3,220.73	\$9,079.27	26.18%
1391 Household & Cleaning Supplies	\$1,700.00	\$363.17	\$1,336.83	21.36%
1394 Office/Library Equip., Not exc. \$100	\$200.00	\$102.94	\$97.06	51.47%
1398 Equipment, NEC	\$1,700.00	\$1,634.70	\$65.30	96.16%
1399 Commodities, NEC	\$500.00	\$483.25	\$16.75	96.65%
<b>EQUIPMENT</b>				
1510 Office Furniture & Equipment	\$2,000.00		\$2,000.00	0.00%
<b>TELECOMMUNICATIONS</b>				
1710 Repair/Maintenance Telecom				
1721 Rental, Telephone Serv. & Equip.	\$45,600.00	\$2,753.93	\$42,846.07	6.04%
1722 Rental, Data Comm. Serv. & Equip.	\$62,300.00	\$3,406.35	\$58,893.65	5.47%
1728 Videoconferencing	\$1,000.00	\$564.35	\$435.65	56.44%
1729 Rental, Other Comm. Serv. & Equip.	\$3,200.00	\$1,332.00	\$1,868.00	41.63%
1730 Parts & Supplies for Telephone	\$300.00		\$300.00	0.00%
<b>OPERATION OF AUTO EQUIPMENT</b>				
1893 Repair & Maint., Auto. Equipment	\$700.00	\$143.50	\$556.50	20.50%
1894 Parts & Fittings, Auto Equipment	\$100.00	\$4.52	\$95.48	4.52%
1896 Gasoline, Oil & Antifreeze	\$2,600.00	\$611.03	\$1,988.97	23.50%
1899 Auto. Expenses, NEC	\$300.00		\$300.00	0.00%
<b>ADMINISTRATION GRAND TOTAL</b>	<b>FY08</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>	<b>% OF</b> <b>BALANCE EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$562,300.00	\$185,569.00	\$376,731.00	33.00%
<b>STATE PAID RETIREMENT</b>	\$22,600.00	\$7,441.28	\$15,158.72	32.93%
<b>RETIREMENT</b>	\$93,100.00	\$30,809.32	\$62,290.68	33.09%
<b>SOCIAL SECURITY</b>	\$43,100.00	\$13,410.31	\$29,689.69	31.11%
<b>CONTRACTUAL SERVICE</b>	\$385,500.00	\$129,684.56	\$122,550.12	33.64%
<b>TRAVEL</b>	\$18,500.00	\$2,723.80	\$15,776.20	14.72%
<b>PRINTING</b>	\$10,600.00	\$0.00	\$10,600.00	0.00%
<b>COMMODITIES</b>	\$16,400.00	\$5,804.79	\$10,595.21	35.40%
<b>EQUIPMENT</b>	\$2,000.00	\$0.00	\$2,000.00	0.00%
<b>TELECOMMUNICATIONS</b>	\$112,400.00	\$8,056.63	\$104,343.37	7.17%
<b>OPERATION OF AUTO EQUIPMENT</b>	\$3,700.00	\$759.05	\$2,940.95	20.51%
<b>TOTAL</b>	<b>\$1,270,200.00</b>	<b>\$384,258.74</b>	<b>\$122,550.12</b>	<b>\$763,391.14 30.25%</b>

**STATE BOARD OF ELECTIONS**  
**FY08 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b>ELECTIONS</b> <b>MONTH ENDING: October 31, 2007</b>	<b>FY08</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$1,422,300.00	\$425,436.44	\$996,863.56	29.91%
1129 State Paid Retirement	\$57,000.00	\$16,738.96	\$40,261.04	29.37%
1161 Retirement	\$235,500.00	\$70,123.81	\$165,376.19	29.78%
1170 Social Security	\$108,900.00	\$31,448.26	\$77,451.74	28.88%
<b>CONTRACTUAL SERVICE</b>				
1145 Contractual Payroll	\$2,000.00	\$1,739.25	\$260.75	86.96%
1205 Freight Express & Drayage	\$4,700.00	\$42.00	\$4,658.00	0.89%
1221 Repair/Maint. Furn./Office Equipment	\$200.00		\$200.00	0.00%
1231 Rental, Office Equipment				0.00%
1232 Rental, Motor Vehicles				0.00%
1237 Rental, Film & Audio/Visual Aids	\$100.00		\$100.00	0.00%
1239 Rental, NEC	\$200.00	\$100.00	\$100.00	50.00%
1242 Auditing & Management Services			\$0.00	0.00%
1245 Professional & Artistic Services, NEC	\$300.00		\$300.00	0.00%
1266 Court Reporting & Filing Services				
1273 Advertising				
1274 Reg Fees & Conf. Expenses (Vendor)	\$1,350.00		\$1,350.00	0.00%
1275 Subscription & Information Services	\$2,400.00		\$2,400.00	0.00%
1276 Reg. Fees & Conf. Expenses (Employee)	\$850.00		\$850.00	0.00%
1277 Association Dues	\$1,800.00	\$50.00	\$1,750.00	2.78%
1279 Employee Tuition & Fees	\$3,700.00		\$3,700.00	0.00%
1280 Copying, Photographic & Printing Services	\$1,800.00	\$72.50	\$1,727.50	4.03%
1285 Operating Taxes, Licenses & Fees			\$0.00	0.00%
1289 Contractual Services, NEC	\$3,000.00	\$135.40	\$2,864.60	4.51%
<b>TRAVEL</b>	\$43,600.00	\$7,327.75	\$36,272.25	16.81%
<b>PRINTING</b>	\$22,200.00	\$487.00	\$21,713.00	2.19%
<b>EQUIPMENT</b>				
1510 Office Furniture & Equipment	\$3,900.00	\$228.24	\$3,671.76	5.85%
<b>HAVA - Maintenance of Effort</b>	\$550,000.00	\$485,621.00	\$64,379.00	88.29%
<b>ELECTION CODE BOOKS</b>	\$15,000.00		\$15,000.00	0.00%

<b>ELECTIONS GRAND TOTAL</b>	<b>FY08</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$1,422,300.00	\$425,436.44		\$996,863.56	29.91%
<b>STATE PAID RETIREMENT</b>	\$57,000.00	\$16,738.96		\$40,261.04	29.37%
<b>RETIREMENT</b>	\$235,500.00	\$70,123.81		\$165,376.19	29.78%
<b>SOCIAL SECURITY</b>	\$108,900.00	\$31,448.26		\$77,451.74	28.88%
<b>CONTRACTUAL SERVICE</b>	\$22,400.00	\$2,139.15		\$20,260.85	9.55%
<b>TRAVEL</b>	\$43,600.00	\$7,327.75		\$36,272.25	16.81%
<b>PRINTING</b>	\$22,200.00	\$487.00		\$21,713.00	2.19%
<b>EQUIPMENT</b>	\$3,900.00	\$228.24		\$3,671.76	5.85%
<b>HAVA - Maintenance of Effort</b>	\$550,000.00	\$485,621.00	\$64,379.00	\$0.00	88.29%
<b>ELECTION CODE BOOKS</b>	\$15,000.00	\$0.00		\$15,000.00	0.00%
<b>TOTAL</b>	<b>\$2,480,800.00</b>	<b>\$1,039,550.61</b>	<b>\$64,379.00</b>	<b>\$1,376,870.39</b>	<b>41.90%</b>

**STATE BOARD OF ELECTIONS**  
**FY08 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b>GENERAL COUNSEL</b> <b>MONTH ENDING: October 31, 2007</b>	<b>FY08</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$249,500.00	\$77,785.35	\$171,714.65	31.18%
1129 State Paid Retirement	\$10,000.00	\$3,112.22	\$6,887.78	31.12%
1161 Retirement	\$41,300.00	\$12,885.38	\$28,414.62	31.20%
1170 Social Security	\$19,200.00	\$5,812.69	\$13,387.31	30.27%
<b>CONTRACTUAL SERVICE</b>				
1145 Contractual Payroll				
1205 Freight Express & Drayage	\$600.00		\$600.00	0.00%
1221 Repair/Maint. Furn./Office Equipment				
1244 Legal Fees	\$58,000.00		\$58,000.00	0.00%
1245 Professional & Artistic Services, NEC	\$2,000.00	\$70.00	\$1,930.00	3.50%
1266 Court Reporting & Filing Services	\$20,000.00	\$293.50	\$19,706.50	1.47%
1273 Advertising				
1274 Reg Fees & Conf. Expenses (Vendor)	\$1,000.00	\$720.00	\$280.00	72.00%
1275 Subscription & Information Services	\$3,000.00	\$88.15	\$2,911.85	2.94%
1276 Reg. Fees & Conf. Expenses (Employee)	\$500.00	\$459.00	\$41.00	91.80%
1277 Association Dues	\$900.00	\$840.00	\$60.00	93.33%
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services	\$1,000.00		\$1,000.00	0.00%
1284 Computer Software				
1289 Contractual Services, NEC	\$3,000.00	\$1,310.53	\$1,689.47	43.68%
<b>TRAVEL</b>	\$10,300.00	\$4,009.28	\$6,290.72	38.93%
<b>EQUIPMENT</b>				
1510 Office Furniture & Equipment	\$500.00		\$500.00	0.00%

<b>GENERAL COUNSEL GRAND TOTAL</b>	<b>FY08</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$249,500.00	\$77,785.35		\$171,714.65	31.18%
<b>STATE PAID RETIREMENT</b>	\$10,000.00	\$3,112.22		\$6,887.78	31.12%
<b>RETIREMENT</b>	\$41,300.00	\$12,885.38		\$28,414.62	31.20%
<b>SOCIAL SECURITY</b>	\$19,200.00	\$5,812.69		\$13,387.31	30.27%
<b>CONTRACTUAL SERVICE</b>	\$90,000.00	\$3,781.18	70,000.00	\$16,218.82	4.20%
<b>TRAVEL</b>	\$10,300.00	\$4,009.28		\$6,290.72	38.93%
<b>EQUIPMENT</b>	\$500.00	\$0.00		\$500.00	0.00%
<b>TOTAL</b>	<b>\$420,800.00</b>	<b>\$107,386.10</b>	<b>\$70,000.00</b>	<b>\$243,413.90</b>	<b>25.52%</b>

**STATE BOARD OF ELECTIONS**  
**FY08 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b>CAMPAIGN DISCLOSURE</b> <b>MONTH ENDING: October 31, 2007</b>	<b>FY08</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$692,400.00	\$218,168.00	\$474,232.00	31.51%
1129 State Paid Retirement	\$27,700.00	\$8,732.60	\$18,967.40	31.53%
1161 Retirement	\$114,700.00	\$36,155.76	\$78,544.24	31.52%
1170 Social Security	\$53,100.00	\$15,772.65	\$37,327.35	29.70%
<b>CONTRACTUAL SERVICE</b>				
1205 Freight Express & Drayage	\$100.00		\$100.00	0.00%
1221 Repair & Maint, Furn & Office Equipment				
1225 Repair & Maint, EDP				
1229 Repair & Maint, NEC				
1232 Rental, Motor Vehicles				
1239 Rental, NEC	\$2,500.00	\$221.00	\$2,279.00	8.84%
1245 Professional & Artistic Services, NEC	\$4,000.00		\$4,000.00	0.00%
1248 Building & Ground Maintenance				
1266 Court Reporting & Filing Services				
1274 Reg Fees & Conf. Expenses (Vendor)	\$1,000.00	\$910.00	\$90.00	91.00%
1275 Subscription & Information Services				
1276 Reg. Fees & Conf. Expenses (Employee)				
1277 Association Dues				
1279 Employee Tuition and Fees	\$500.00		\$500.00	0.00%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC				
<b>TRAVEL</b>				
1291 In-State	\$6,100.00	\$520.67	\$5,579.33	8.54%
1292 Out-of-State	\$3,800.00	\$3,760.22	\$39.78	98.95%
<b>PRINTING</b>	\$11,000.00	\$5,219.50	\$5,780.50	47.45%
<b>EQUIPMENT</b>				
1510 Office Furniture & Equipment	\$9,100.00		\$9,100.00	0.00%

<b>CAMPAIGN DISCLOSURE GRAND TOTAL</b>	<b>FY08</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$692,400.00	\$218,168.00		\$474,232.00	31.51%
<b>STATE PAID RETIREMENT</b>	\$27,700.00	\$8,732.60		\$18,967.40	31.53%
<b>RETIREMENT</b>	\$114,700.00	\$36,155.76		\$78,544.24	31.52%
<b>SOCIAL SECURITY</b>	\$53,100.00	\$15,772.65		\$37,327.35	29.70%
<b>CONTRACTUAL SERVICE</b>	\$8,100.00	\$1,131.00		\$6,969.00	13.96%
<b>TRAVEL</b>	\$9,900.00	\$4,280.89		\$5,619.11	43.24%
<b>PRINTING</b>	\$11,000.00	\$5,219.50		\$5,780.50	47.45%
<b>EQUIPMENT</b>	\$9,100.00	\$0.00		\$9,100.00	0.00%
<b>TOTAL</b>	<b>\$926,000.00</b>	<b>\$289,460.40</b>	<b>\$0.00</b>	<b>\$636,539.60</b>	<b>31.26%</b>

**STATE BOARD OF ELECTIONS**  
**FY08 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

INFORMATION TECHNOLOGY MONTH ENDING: October 31, 2007	FY08 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$411,900.00	\$130,077.44	\$281,822.56	31.58%
1129 State Paid Retirement	\$16,500.00	\$5,205.90	\$11,294.10	31.55%
1161 Retirement	\$68,200.00	\$21,553.98	\$46,646.02	31.60%
1170 Social Security	\$31,500.00	\$9,711.26	\$21,788.74	30.83%
CONTRACTUAL SERVICE				
1145 Contractual Payroll				
1205 Freight Express & Drayage				
1221 Repair/Maint. Furn./Office Equipment	\$13,000.00		\$13,000.00	0.00%
1223 Repair/Maint. Real Property	\$200.00	\$150.00	\$50.00	75.00%
1225 Repair/Maint. EDP Equipment	\$23,800.00	\$398.29	\$23,401.71	1.67%
1230 In-House Repair of Equipment				
1234 Rental, Machinery and Mech. Equip				
1239 Rental, NEC				
1242 Auditing & Management Services	\$25,000.00	\$21,133.50	\$3,866.50	84.53%
1244 Legal Fees				
1245 Professional & Artistic Services, NEC	\$166,050.00	\$20,000.00	\$146,050.00	12.04%
1271 Surety Bond & Ins. Prem.	\$600.00	\$264.00	\$336.00	44.00%
1272 Travel & Expense Reimbursement (Vendor)				
1274 Reg Fees & Conf. Expenses (Vendor)	\$6,000.00		\$6,000.00	0.00%
1275 Subscription & Information Services	\$3,050.00		\$3,050.00	0.00%
1276 Reg. Fees & Conf. Expenses (Employee)				
1277 Association Dues				
1279 Employee Tuition and Fees	\$5,000.00	\$260.00	\$4,740.00	5.20%
1284 Computer Software	\$75,000.00	\$1,755.40	\$73,244.60	2.34%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC	\$1,000.00	\$125.00	\$875.00	12.50%
TRAVEL				
1291 In-State	\$5,500.00	\$1,724.93	\$3,775.07	31.36%
1292 Out-of-State	\$6,100.00		\$6,100.00	0.00%
PRINTING				
COMMODITIES				
1304 Office/Library Supplies	\$14,600.00	\$5,334.73	\$9,265.27	36.54%
1332 Industrial & Shop Materials				
1394 Office/Library Equip. under \$100	\$300.00	\$231.85	\$68.15	77.28%
1398 Equipment, NEC	\$200.00	\$150.00	\$50.00	75.00%
1399 Commodities, NEC				
EQUIPMENT				
1510 Office Furniture & Equipment				
1515 EDP Equipment	\$103,500.00	\$58,934.91	\$44,565.09	56.94%

# **STATE BOARD OF ELECTIONS**

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## **MEMORANDUM**

*From the desk of:*  
*Daniel W. White, Executive Director*

**TO:** Members of the Board

**SUBJECT:** FY07 HAVA Fiscal Report

**DATE:** November 6, 2007

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Applications for HAVA funds continue to be reviewed and disbursed as they are received. There was little activity this past month.

Attachment

**STATE BOARD OF ELECTIONS**  
**FY08 MONTHLY FISCAL REPORT**  
 Help Illinois Vote Fund

AGENCY TOTALS	SECTION 101	SECTION 102	SECTION 261	SECTION 251	TOTAL
<u>MONTH ENDING: October 31, 2007</u>	<u>Discretionary Funds</u>	<u>Entitlement Payments</u>	<u>EAID Disbursements</u>	<u>Requirements</u>	<u>Fund Activity</u>
<b>CASH BALANCE AT BEGINNING OF YEAR</b>	<b>\$4,018,074.24</b>	<b>\$136,049.00</b>	<b>\$320.40</b>	<b>\$23,402,364.76</b>	<b>\$27,556,808.40</b>
Program Revenues from Federal Govt	\$0.00	\$0.00		\$0.00	\$0.00
Miscellaneous Revenues					\$0.00
Interest Earned on Comptroller Balances	\$61,991.97	\$0.00	\$0.00	\$351,989.03	\$413,981.00
Interest Penalties Received	\$7,469.79			\$16,660.15	\$24,129.94
<b>TOTAL CASH REVENUES</b>	<b>\$69,461.76</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$368,649.18</b>	<b>\$438,110.94</b>
<b>YEAR TO DATE CASH EXPENDITURES</b>					
PERSONAL SERVICE	\$16,892.00			\$0.00	\$16,892.00
STATE-PAID RETIREMENT	\$675.68			\$0.00	\$675.68
RETIREMENT	\$2,797.52			\$0.00	\$2,797.52
SOCIAL SECURITY	\$1,236.80			\$0.00	\$1,236.80
GROUP INSURANCE	\$5,828.02			\$0.00	\$5,828.02
CONTRACTUAL SERVICE	\$11,432.50			\$26,313.21	\$37,745.71
TRAVEL	\$153.81			\$0.00	\$153.81
PRINTING	\$0.00			\$0.00	\$0.00
COMMODITIES	\$0.00			\$0.00	\$0.00
EQUIPMENT	\$0.00			\$0.00	\$0.00
TELECOMMUNICATIONS	\$931.85			\$0.00	\$931.85
OPERATION OF AUTO. EQUIPMENT	\$0.00			\$0.00	\$0.00
INDIRECT COST REFUNDS	\$279,651.98				\$279,651.98
<b>SUB-TOTAL CASH EXPENDITURES (OPERATIONS)</b>	<b>\$319,600.16</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$26,313.21</b>	<b>\$345,913.37</b>
AWARDS & GRANTS	\$10,620.63	\$0.00	\$4,906.80	\$2,041,683.16	\$2,057,210.59
<b>TOTAL CASH EXPENDITURES</b>	<b>\$330,220.79</b>	<b>\$0.00</b>	<b>\$4,906.80</b>	<b>\$2,067,996.37</b>	<b>\$2,403,123.96</b>
<b>CASH BALANCE AT END OF MONTH</b>	<b>\$3,757,315.21</b>	<b>\$136,049.00</b>	<b>-\$4,586.40</b>	<b>\$21,703,017.57</b>	<b>\$25,591,795.38</b>

**STATE BOARD OF ELECTIONS**  
**FY08 MONTHLY FISCAL REPORT**  
**Help Illinois Vote Fund**

**SECTION 101 - DISCRETIONARY FUNDS**  
**MONTH ENDING: October 31, 2007**

	<u>FY08</u> <u>APPROPRIATION</u>	<u>YEAR TO DATE</u> <u>EXPENDITURE</u>	
<b>PERSONAL SERVICE</b>	\$16,892.00	\$16,892.00	
1129 State Paid Retirement	\$675.68	\$675.68	
1161 Retirement	\$2,797.52	\$2,797.52	
1170 Social Security	\$1,236.80	\$1,236.80	
1180 Group Insurance	\$5,828.02	\$5,828.02	
<b>CONTRACTUAL SERVICE</b>			
1205 Freight Express/Drayage			
1223 Repair & Maintenance Real Property			
1225 Repair & Maintenance, EDP Equip.			
1231 Rental, Office Equipment			
1232 Rental, Motor Vehicles			
1237 Rental, Film & Audio/Visual Aids			
1239 Rental, NEC			
1242 Auditing & Management Services	\$11,432.50	\$11,432.50	
1243 Book Binding & Processing Services			
1244 Legal Fees			
1245 Professional & Technical Services, NEC			
1261 Postage			
1266 Court Reporting & Filing Services			
1273 Advertising			
1274 Registration Fees & Conf. Exp. (Vendor)			
1276 Registration Fees & Conf. Exp. (Employee)			
1280 Copying, Photographic & Printing Serv.			
1284 Computer Software			
1286 Travel, Reimb. to Non-State Employees			
1289 Contractual Services, NEC			
<b>TRAVEL</b>			
1291 In-State	\$153.81	\$153.81	
1292 Out-of-State			
<b>PRINTING</b>			
<b>COMMODITIES</b>			
1304 Office/Library Supplies			
1308 Educational & Instructional Materials			
1394 Office/Library Equip., Not Exceed. \$100			
1398 Equipment, NEC			
1399 Commodities, NEC			
<b>EQUIPMENT</b>			
1510 Office Furniture & Equipment			
1516 EDP Equipment			
1561 Training Equipment			
6625 Leasehold Improvements			
<b>TELECOMMUNICATIONS</b>			
1721 Rental, Telephone Serv. & Equip.	\$36.00	\$36.00	
1722 Rental, Data Comm. Serv. & Equip.	\$895.85	\$895.85	
1728 Video Conferencing			
1729 Rental, Other Comm. Serv. & Equip.			
1730 Parts & Supplies for Telephone			
1740 Answering & Pag. Comm. Serv. Equip.			
1750 Telephone, Data, Radio & Other Equip.			
1799 Telecommunication Services, NEC			
<b>OPERATION OF AUTO EQUIPMENT</b>			
1893 Repair & Maint., Automotive Equipment			
1894 Parts & Fittings, Automotive Equipment			
1896 Gasoline, Oil & Antifreeze			
1898 Automotive Services, NEC			
1899 Automotive Expenses, NEC			
<b>INDIRECT COST REFUNDS</b>			
1993 Indirect Cost Allocation Refund	\$279,651.98	\$279,651.98	
<b>GRANTS</b>			
4453 Reimbursement to Governmental Units			
4458 Services, NEC			
4470 Grants to Local Governments (PPA)			
4470 Grants to Local Governments (EAI)			
4470 Grants to Local Governments (AAG)	\$10,620.63	\$10,620.63	
4470 Grants to Local Governments			
4479 Payments to Other State Agencies			
<b>SECTION 101 GRAND TOTAL</b>	<b>FY08</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>
<b>PERSONAL SERVICE</b>	\$16,892.00	\$16,892.00	
<b>STATE PAID RETIREMENT</b>	\$675.68	\$675.68	
<b>RETIREMENT</b>	\$2,797.52	\$2,797.52	
<b>SOCIAL SECURITY</b>	\$1,236.80	\$1,236.80	
<b>GROUP INSURANCE</b>	\$5,828.02	\$5,828.02	
<b>CONTRACTUAL SERVICE</b>	\$11,432.50	\$11,432.50	\$21,942.50
<b>TRAVEL</b>	\$153.81	\$153.81	
<b>PRINTING</b>	\$0.00	\$0.00	
<b>COMMODITIES</b>	\$0.00	\$0.00	
<b>EQUIPMENT</b>	\$0.00	\$0.00	
<b>TELECOMMUNICATIONS</b>	\$931.85	\$931.85	
<b>OPERATION OF AUTO EQUIPMENT</b>	\$0.00	\$0.00	
<b>INDIRECT COST REFUNDS</b>	\$279,651.98	\$279,651.98	
<b>GRANTS</b>	\$10,620.63	\$10,620.63	
<b>TOTAL</b>	<b>\$330,220.79</b>	<b>\$330,220.79</b>	<b>\$21,942.50</b>

**STATE BOARD OF ELECTIONS**  
**FY08 MONTHLY FISCAL REPORT**  
**Help Illinois Vote Fund**

**SECTION 102 - ENTITLEMENT PAYMENTS**  
**MONTH ENDING: October 31, 2007**

**FY08**  
**APPROPRIATION**

**YEAR TO DATE**  
**EXPENDITURE**

**PERSONAL SERVICE**

1129 State Paid Retirement  
1161 Retirement  
1170 Social Security

**CONTRACTUAL SERVICE**

1205 Freight Express/Drayage  
1225 Repair & Maintenance, EDP Equip.  
1231 Rental, Office Equipment  
1237 Rental, Film & Audio/Visual Aids  
1239 Rental, NEC  
1242 Auditing & Management Services  
1243 Book Binding & Processing Services  
1244 Legal Fees  
1245 Professional & Technical Services, NEC  
1261 Postage  
1266 Court Reporting & Filing Services  
1274 Registration Fees & Conf. Exp. (Vendor)  
1276 Registration Fees & Conf. Exp. (Employee)  
1280 Copying, Photographic & Printing Serv.  
1284 Computer Software  
1289 Contractual Services, NEC

**TRAVEL**

1291 In-State  
1292 Out-of-State

**PRINTING**

**COMMODITIES**

1304 Office/Library Supplies  
1394 Office/Library Equip., Not Exceed. \$100  
1398 Equipment, NEC  
1399 Commodities, NEC

**EQUIPMENT**

1510 Office Furniture & Equipment  
1515 EDP Equipment  
1599 Equipment, NEC

**TELECOMMUNICATIONS**

1721 Rental, Telephone Serv. & Equip.  
1722 Rental, Data Comm. Serv. & Equip.  
1728 Video Conferencing  
1729 Rental, Other Comm. Serv. & Equip.  
1730 Parts & Supplies for Telephone  
1740 Answering & Pag. Comm. Serv. Equip.  
1750 Telephone, Data, Radio & Other Equip.  
1799 Telecommunication Services, NEC

**OPERATION OF AUTO EQUIPMENT**

1893 Repair & Maint., Automotive Equipment  
1894 Parts & Fittings, Automotive Equipment  
1896 Gasoline, Oil & Antifreeze  
1898 Automotive Services, NEC  
1899 Automotive Expenses, NEC

**GRANTS**

4453 Reimbursement to Governmental Units  
4458 Services, NEC  
4470 Grants to Local Governments, NEC

**SECTION 102 GRAND TOTAL**

**FY08**  
**APPROPRIATION**

**YEAR TO DATE**  
**EXPENDITURE**

**OBLIGATED**  
**MONEY**

PERSONAL SERVICE	\$0.00	\$0.00
STATE PAID RETIREMENT	\$0.00	\$0.00
RETIREMENT	\$0.00	\$0.00
SOCIAL SECURITY	\$0.00	\$0.00
CONTRACTUAL SERVICE	\$0.00	\$0.00
TRAVEL	\$0.00	\$0.00
PRINTING	\$0.00	\$0.00
COMMODITIES	\$0.00	\$0.00
EQUIPMENT	\$0.00	\$0.00
TELECOMMUNICATIONS	\$0.00	\$0.00
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00
GRANTS	\$0.00	\$0.00

**TOTAL**

**\$0.00**

**\$0.00**

**\$0.00**

**STATE BOARD OF ELECTIONS**  
**FY08 MONTHLY FISCAL REPORT**  
 Help Illinois Vote Fund

**SECTION 261 - EAID DISBURSEMENTS**  
**MONTH ENDING: October 31, 2007**

**FY08**  
**APPROPRIATION**

**YEAR TO DATE**  
**EXPENDITURE**

**PERSONAL SERVICE**

1129 State Paid Retirement  
 1161 Retirement  
 1170 Social Security

**CONTRACTUAL SERVICE**

1205 Freight Express/Drayage  
 1225 Repair & Maintenance, EDP Equip.  
 1231 Rental, Office Equipment  
 1237 Rental, Film & Audio/Visual Aids  
 1239 Rental, NEC  
 1242 Auditing & Management Services  
 1243 Book Binding & Processing Services  
 1244 Legal Fees  
 1245 Professional & Technical Services, NEC  
 1261 Postage  
 1266 Court Reporting & Filing Services  
 1274 Registration Fees & Conf. Exp. (Vendor)  
 1276 Registration Fees & Conf. Exp. (Employee)  
 1280 Copying, Photographic & Printing Serv.  
 1284 Computer Software  
 1289 Contractual Services, NEC

**TRAVEL**

1291 In-State  
 1292 Out-of-State

**PRINTING**

**COMMODITIES**

1304 Office/Library Supplies  
 1394 Office/Library Equip., Not exc. \$100  
 1398 Equipment, NEC  
 1399 Commodities, NEC

**EQUIPMENT**

1510 Office Furniture & Equipment  
 1515 EDP Equipment  
 1599 Equipment, NEC

**TELECOMMUNICATIONS**

1721 Rental, Telephone Serv. & Equip.  
 1722 Rental, Data Comm. Serv. & Equip.  
 1728 Video Conferencing  
 1729 Rental, Other Comm. Serv. & Equip.  
 1730 Parts & Supplies for Telephone  
 1740 Answering & Pag. Comm. Serv. Equip.  
 1750 Telephone, Data, Radio & Other Equip.  
 1799 Telecommunication Services, NEC

**OPERATION OF AUTO EQUIPMENT**

1893 Repair & Maint., Automotive Equipment  
 1894 Parts & Fittings, Automotive Equipment  
 1896 Gasoline, Oil & Antifreeze  
 1898 Automotive Services, NEC  
 1899 Automotive Expenses, NEC

**GRANTS**

4453 Reimbursement to Governmental Units  
 4470 Grants to Local Governments (VAID)  
 4470 Grants to Local Governments (VAID II)

\$4,906.80

\$4,906.80

**SECTION 261 GRAND TOTAL**

**FY08**  
**APPROPRIATION**

**YEAR TO DATE**  
**EXPENDITURE**

**OBLIGATED**  
**MONEY**

**PERSONAL SERVICE**  
**STATE PAID RETIREMENT**  
**RETIREMENT**  
**SOCIAL SECURITY**  
**CONTRACTUAL SERVICE**  
**TRAVEL**  
**PRINTING**  
**COMMODITIES**  
**EQUIPMENT**  
**TELECOMMUNICATIONS**  
**OPERATION OF AUTO EQUIPMENT**  
**GRANTS**

\$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$4,906.80

\$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$0.00  
 \$4,906.80

**TOTAL**

**\$4,906.80**

**\$4,906.80**

**\$0.00**

**STATE BOARD OF ELECTIONS**  
**FY08 MONTHLY FISCAL REPORT**  
 Help Illinois Vote Fund

**SECTION 251 - REQUIREMENTS**  
**MONTH ENDING: October 31, 2007**

**FY08**  
**APPROPRIATION**

**YEAR TO DATE**  
**EXPENDITURE**

**PERSONAL SERVICE**

1129 State Paid Retirement  
 1161 Retirement  
 1170 Social Security  
 1180 Group Insurance

**CONTRACTUAL SERVICE**

1205 Freight Express/Drayage  
 1223 Repair & Maintenance Real Property  
 1225 Repair & Maintenance, EDP Equip.  
 1231 Rental, Office Equipment  
 1232 Rental, Motor Vehicles  
 1237 Rental, Film & Audio/Visual Aids  
 1239 Rental, NEC  
 1242 Auditing & Management Services  
 1243 Book Binding & Processing Services  
 1244 Legal Fees  
 1245 Professional & Technical Services, NEC  
 1261 Postage  
 1266 Court Reporting & Filing Services  
 1273 Advertising  
 1274 Registration Fees & Conf. Exp. (Vendor)  
 1276 Registration Fees & Conf. Exp. (Employee)  
 1280 Copying, Photographic & Printing Serv.  
 1284 Computer Software  
 1289 Contractual Services, NEC

\$26,313.21

\$26,313.21

**TRAVEL**

1291 In-State  
 1292 Out-of-State

**PRINTING**

**COMMODITIES**

1304 Office/Library Supplies  
 1308 Educational & Instructional Materials  
 1394 Office/Library Equip., Not Exceed. \$100  
 1398 Equipment, NEC  
 1399 Commodities, NEC

**EQUIPMENT**

1510 Office Furniture & Equipment  
 1515 EDP Equipment  
 1561 Training Equipment  
 6625 Leasehold Improvements

**TELECOMMUNICATIONS**

1721 Rental, Telephone Serv. & Equip.  
 1722 Rental, Data Comm. Serv. & Equip.  
 1728 Video Conferencing  
 1729 Rental, Other Comm. Serv. & Equip.  
 1730 Parts & Supplies for Telephone  
 1740 Answering & Pag. Comm. Serv. Equip.  
 1750 Telephone, Data, Radio & Other Equip.  
 1799 Telecommunication Services, NEC

**OPERATION OF AUTO EQUIPMENT**

1893 Repair & Maint., Automotive Equipment  
 1894 Parts & Fittings, Automotive Equipment  
 1896 Gasoline, Oil & Antifreeze  
 1898 Automotive Services, NEC  
 1899 Automotive Expenses, NEC

**GRANTS**

4453 Reimbursement to Govt Units (AVE)  
 4453 Reimbursement to Govt Units (Phase II)  
 4453 Reimbursement to Govt Units (ALA)  
 4453 Reimbursement to Govt Units (EDG)  
 4470 Grants to Local Governments (VRS)  
 4479 Payments to Other State Agencies

\$375,640.00  
 \$1,581,275.67  
 \$34,452.09  
 \$50,315.40

\$375,640.00  
 \$1,581,275.67  
 \$34,452.09  
 \$50,315.40

**SECTION 101 GRAND TOTAL**

**FY08**  
**APPROPRIATION**

**YEAR TO DATE**  
**EXPENDITURE**

**OBLIGATED**  
**MONEY**

**PERSONAL SERVICE**

\$0.00

\$0.00

**STATE PAID RETIREMENT**

\$0.00

\$0.00

**RETIREMENT**

\$0.00

\$0.00

**SOCIAL SECURITY**

\$0.00

\$0.00

**GROUP INSURANCE**

\$0.00

\$0.00

**CONTRACTUAL SERVICE**

\$26,313.21

\$26,313.21

\$2,444,060.00

**TRAVEL**

\$0.00

\$0.00

**PRINTING**

\$0.00

\$0.00

**COMMODITIES**

\$0.00

\$0.00

**EQUIPMENT**

\$0.00

\$0.00

**TELECOMMUNICATIONS**

\$0.00

\$0.00

**OPERATION OF AUTO EQUIPMENT**

\$0.00

\$0.00

**GRANTS**

\$2,041,683.16

\$2,041,683.16

**TOTAL**

**\$2,067,996.37**

**037**

**\$2,067,996.37**

**\$2,444,060.00**

# **STATE BOARD OF ELECTIONS**

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## **MEMORANDUM**

*From the desk of:*  
*Daniel W. White, Executive Director*

**TO:** Members of the Board

**SUBJECT:** Two Year Plan of Activity

**DATE:** November 7, 2007

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Attached is the two-year plan of staff activity for the months of November and December for your review and information.

Attachment

<b>Start Date</b>	<b>End Date</b>	<b>Activity</b>	<b>Division</b>
9 /6 /2007		Distribute 2008 CANDIDATE'S GUIDE to State Library Documents Section and to those on our mailing list. (Project began January 16, 2007.) 10 ILCS 5/1A-8 (1, 2, 4, 7, 11)	ET&RD
9 /7 /2007		Begin to update the FEDERAL AND STATE OFFICERS book for the year 2008. Submit for printing by November 5. (Target completion date: December 3, 2007.) 10 ILCS	ET&RD
9 /10/2007		Begin to update the COUNTY OFFICERS book for the year 2008. Submit for printing by November 5. (Target completion date: December 3, 2007.) 10 ILCS 5/1A-8 (1, 2, 4,	ET&RD
9 /14/2007		BOARD MEETING. 10 ILCS 5/1A7	EXEC DIR
9 /17/2007		Complete updating and printing all agency BROCHURES. (Project began July 9, 2007.) 10 ILCS 5/1A-8 (1, 2, 4, 11)	ET&RD
10/1 /2007		Begin planning for the printing and distribution of campaign financing material for political committees for February 5, 2008 General Primary Election.	CAMP DISC
10/1 /2007		Begin planning for the printing and distribution of Campaign Financing materials to political committees for the December 31, 2007 Semi-Annual Report. (Packets to be mailed December 1, 2007.) 10 ILCS 5/9-10	CAMP DISC
10/9 /2007		Call Department of Public Health to obtain LISTING OF FACILITIES licensed or certified under the NURSING HOME CARE REFORM ACT OF 1979. Send listing to election authorities by December 9. 10 ILCS 5/19-12.2	ET&RD
10/15/2007		BOARD MEETING. 10 ILCS 5/1A7	EXEC DIR
10/29/2007		Send to all election authorities a LIST OF FACILITIES licensed or certified pursuant to the NURSING HOME CARE REFORM ACT OF 1979. 10 ILCS 5/19-12.2	ET&RD
10/29/2007	11/5 /2007	Candidate filing period. 10 ILCS 5/7-12	EL INFO
11/1 /2007		Start review and update Military/Overseas booklet. Submit to printer by Nov 29 10 ILCS 5/1A-8 (1,2,3,7,11)	ET&RD
11/4 /2007		Submit COUNTY OFFICERS book for printing. Books should be printed by December 3. 10 ILCS 5/1A-8 (1, 2, 3, 11)	ET&RD

<b>Start Date</b>	<b>End Date</b>	<b>Activity</b>	<b>Division</b>
11/5 /2007		Submit FEDERAL AND STATE OFFICERS book for printing. Books should be printed by December 3. 10 ILCS 5/1A-8 (1, 2, 3, 11)	ET&RD
11/5 /2007		Begin preparation of packet material for Semi-Annual Reports. (Packets to be mailed December 1, 2007.) 10 ILCS 5/9-10	CAMP DISC
11/6 /2007	11/8 /2007	(date subject to change) Veto Session	LEG
11/7 /2007		Civic Organization certification cutoff date prior to the February 5, 2008 General Primary Election. 10 ILCS 5/1A-8 (1, 2, 12) (Board Rule)	ET&RD
11/13/2007	11/15/2007	(date subject to change) Veto Session	LEG
11/13/2007		Deadline for filing objections to petitions of candidates who filed during December 9 - 16, 2007. 10 ILCS 5/10-8	EL INFO
11/16/2007		Notify election authorities of requirement to submit computerized voter registration information in a form prescribed by the SBE.	VRS
11/19/2007		BOARD MEETING. 10 ILCS 5/1A7	EXEC DIR
11/29/2007		Submit Military/Overseas booklet to printers. Project started Nov 1. 10 ILCS 5/1A-8 (1,2,3,7,11)	ET&RD
12/1 /2007		The last date that the State Board of Elections shall notify political committees that have filed a Statement of Organization of their obligation to file a SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. 10 ILCS 5/9-16	CAMP DISC
12/3 /2007		Distribute ELECTION JUDGES' MANUALS OF INSTRUCTION to all the election authorities. (Project began March 7, 2007.) 10 ILCS 5/1A-8 (1, 2, 3, 4, 11)	ET&RD
12/3 /2007		Present to the Board a list of legislative proposals for introduction in the next session.	LEG
12/6 /2007		BOARD MEETING. 10 ILCS 5/1A7	EXEC DIR
12/7 /2007		Begin developing the LIST OF CANDIDATES for the February 5, 2008 Primary Election. 10	EL INFO

<b>Start Date</b>	<b>End Date</b>	<b>Activity</b>	<b>Division</b>
12/17/2007		First day for election authorities to submit computerized voter registration information. (No submission will be accepted that is produced more than 15 calendar days prior to the beginning of the statutory submission period.) 10 ILCS 5/4-8, 5-7, 6-35	VRS
12/27/2007		Last day for election authorities to submit VIS tapes. 10 ILCS 5/4-8, 5-7, 6-35	VRS
12/27/2007		Last day an election authority may request extension of VIS submission deadline.	VRS

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



**BOARD MEMBERS**  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

**EXECUTIVE DIRECTOR**  
Daniel W. White  
November 7, 2007

Citizens to Elect Dennis Allen  
1624 E 86<sup>th</sup> St  
Chicago, IL 60617

L13849

**NOTICE TO POLITICAL COMMITTEE**

Dear Political Committee Officer/Representative,

Please be advised that based on your failure to comply with the Board Order issued on August 22, 2007 (enclosed), the Board is authorized to assess a civil penalty against your committee not to exceed \$5000.00. The Board will consider the imposition of a civil penalty against your committee at its November 2007 meeting. You are welcome to attend the meeting to answer any questions the Board may have, however your presence is not mandatory. The meeting will begin at 10:30 AM on November 19, 2007 and will be held at the James R Thompson Center, 100 W Randolph St, Room 9-040, Chicago IL. Any Motions regarding this matter must be made in writing and received by the General Counsel no later than four (4) days before the date of the meeting. If you have any further questions please feel free to contact our office.

Sincerely,

Rupert T. Borgsmiller, Director  
Division of Campaign Disclosure

RTB: sm

STATE OF ILLINOIS       )  
                                  ) SS  
COUNTY OF COOK        )

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

In the Matter Of:                       )  
  )  
State Board of Elections,               )  
                  Complainant(s),        )  
                  Vs.                        )       07 CD 059  
  )  
Citizens to Elect Dennis Allen,        )  
                  Respondent(s).         )

**ORDER**

TO:    Citizens to Elect Dennis Allen                       L13849  
          1240 E 79th St  
          Chicago, IL 60619

This matter coming to be heard this 20<sup>th</sup> day of August, 2007 following a Closed Preliminary Hearing as a result of a Complaint filed pursuant to "An Act to Regulate Campaign Financing" (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the "Act"), alleging that the respondent(s) violated 10 ILCS 5/9-10, 5/9-11 & 5/9-12 in that the Respondent failed to file the February 2007 Pre-election report of Campaign Contributions; and the State Board of Elections having read the report of the Hearing Officer and hearing the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1.       The complaint was filed on justifiable grounds; and
2.       The Respondent appeared at the Closed preliminary hearing and filed a June 2007 Semi-annual Report of Campaign Contributions & Expenditures in lieu of the February 2007 Pre-election report.

IT IS ORDERED:

1.       That the committee file the February 2007 Pre-election report of Campaign Contributions within 30 days of the effective date of this Order or face a civil penalty not to exceed \$5000.00 pursuant Section 9-23 of the Election Code; and
2.       The effective date of this Order is August 22, 2007.

DATED: 8/22/2007

  
\_\_\_\_\_  
Albert S Porter, Chairman

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Daniel W. White  
November 7, 2007

BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

Committee to Elect John A Lartz  
134 Green Bay Rd.  
Winnetka, IL 60093

S9158

**NOTICE TO POLITICAL COMMITTEE**

Dear Political Committee Officer/Representative,

Please be advised that based on your failure to comply with the Board Order issued on August 22, 2007 (enclosed), the Board is authorized to assess a civil penalty against your committee not to exceed \$5000.00. The Board will consider the imposition of a civil penalty against your committee at its November 2007 meeting. You are welcome to attend the meeting to answer any questions the Board may have, however your presence is not mandatory. The meeting will begin at 10:30 AM on November 19, 2007 and will be held at the James R Thompson Center, 100 W Randolph St, Room 9-040, Chicago IL. Any Motions regarding this matter must be made in writing and received by the General Counsel no later than four (4) days before the date of the meeting. If you have any further questions please feel free to contact our office.

Sincerely,

Rupert T. Borgsmiller, Director  
Division of Campaign Disclosure

RTB: sm

STATE OF ILLINOIS                    )  
  )     SS  
COUNTY OF COOK                    )

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

In the Matter Of:                    )  
State Board of Elections,            )  
                    Complainant(s),    )  
                    vs.                    )     07 CD 038  
  )  
Committee to Elect John A Lartz,    )  
                    Respondent(s).     )

**ORDER**

TO:     Committee to Elect John A Lartz   S9158  
          134 Green Bay Rd.  
          Winnetka, IL 60093

This matter coming to be heard this 20<sup>th</sup> day of August, 2007, following a Public Hearing of a Complaint filed pursuant to "An Act to Regulate Campaign Financing" (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the "Act"), alleging that the respondent(s) violated 10 ILCS 5/9-10, 5.9-13 & 5/9-14 in that the Respondent failed to file the December 2006 Semi-annual report of Campaign Contributions & Expenditures; and the State Board of Elections having read the report of the Hearing Officer and hearing the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1. That the complaint was filed on justifiable grounds; and
2. There was no appearance by the Respondent at the Public Hearing, and
3. The report at issue remains unfiled.

IT IS HEREBY ORDERED:

1. That the committee file the required report within 30 days of the effective date of this Order or face a civil penalty not to exceed \$5000.00 pursuant Section 9-23 of the Election Code; and
2. The effective date of this Order is August 22, 2007.

DATED: 8/22/2007

  
\_\_\_\_\_  
Albert S Porter, Chairman

RECEIVED  
JAN 14 11:04:48

Dennis Allen  
1624 E 86th St  
Chicago, IL 60617

To whom It may concern

This informal but important letter is in response to my conversation with Rupert Borgsmiller on October 24th 2007.  
Per our conversation I am would like to file this motion for reconsideration of the final order issued October 17th 2007

Thank You in advance



Dennis Allen

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

In the Matter Of: )  
 )  
State Board of Elections )  
Complainant(s), )  
Vs. )  
 ) 07 MA 017  
Citizens to Elect Dennis Allen )  
Respondent(s). )

## FINAL ORDER

TO: Citizens to Elect Dennis Allen L13849  
8204 S Morgan St  
Chicago, IL 60620

This matter coming to be heard this 15<sup>th</sup> day of October, 2007, as an imposition of a civil penalty under Article 9 of the Illinois Election Code (10 ILCS 5/9-1 *et. seq.*), and the State Board of Elections being fully advised in the premises,

## THE BOARD FINDS

1. In case number 07 MA 017 , a \$1,150.00 civil penalty was assessed against the Respondent for the delinquent filing of its D-1 Statement of Organization; and
2. In case number 07 MA 017 , a \$5,000.00 civil penalty was assessed against the Respondent for the delinquent filing of the December 2006 Semi-annual report; and
3. In case number 07 MA 017 , a \$1,800.00 civil penalty was assessed against the Respondent for failing to file a Pre-election report in conjunction with the February 2007 election; and
4. An appeal of the civil penalties was not submitted by the committee.

IT IS ORDERED:

1. A civil penalty in the amount of \$7,950.00 is imposed and is now due and owing within 30 days of the effective date of this Order; and
2. The effective date of this Order is October 17, 2007, and
3. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 10/17/2007

*Albert S Porter*  
Albert S Porter, Chairman

**STATE BOARD OF ELECTIONS**

**1020 South Spring Street  
Springfield, Illinois 62704  
217/782-4141**

**Rupert T. Borgsmiller**

**Director, Campaign Disclosure**

---

To: Members of the Board, Daniel W. White, Executive Director, & Steve Sandvoss, General Counsel

Re: Informational – AARC of Illinois 06 DS 178 & 07 JS 057

Date: November 7, 2007

---

AARC of Illinois was assessed a civil penalty of \$4300.00 on July 9, 2007 for the late filing of the December 2006 Semi-annual report, and filed an appeal of this civil penalty. This assessment lifted the stay on a previous penalty of \$225.00 for the late filing of the June 2006 Semi-annual report (not appealed), bringing the total assessment to \$4525.00. Subsequently, the committee was assessed an additional penalty of \$150.00 on September 4, 2007 for the late filing of the June 2007 Semi-annual report (this assessment was not appealed). A representative of the committee appeared at the October Board meeting and offered a settlement of the \$4525.00 penalty referenced in the Hearing officer's recommendation in case number 06 DS 178. Listed below is a breakout of the penalties assessed against the committee. I would like to make the Board aware that if a settlement offer is proposed by the committee, it should include all three civil penalty assessments.

6/06 Semi-annual report - \$225.00 (06 JS 116) - not appealed  
12/06 Semi-annual report - \$4300.00 (06 DS 178) – appeal pending  
6/07 Semi-annual report - \$150.00 (07 JS 057) – not appealed

**Total assessed penalties - \$4675.00**

STATE OF ILLINOIS  
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections  
**Complainant**

Vs.

06 DS 178

AARC of Illinois S9099  
**Respondent**

**REPORT OF HEARING EXAMINER**  
Appeal of Civil Penalty Assessment for Delinquently Filing a  
December 31<sup>st</sup>, 2006 Semi-Annual Report

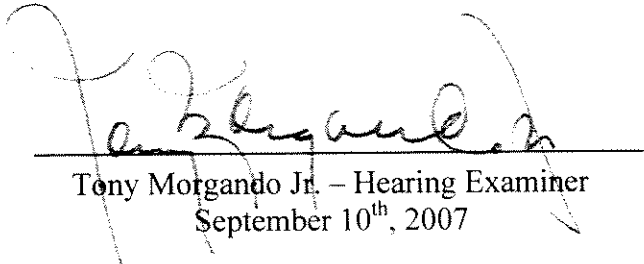
The political committee's December 2006 Semi-Annual Report was received by the State Board of Elections (herein referred to as SBE) on June 6<sup>th</sup>, 2007, 86 day(s) late. As such, the political committee has been assessed a fine of \$4,300.00. Since this is a subsequent violation, the previous assessment of \$225.00, for the political committee's failure to file its June 30<sup>th</sup>, 2006, shall be incorporated.

Mr. Will McNeil, Treasurer, filed a Request for Hearing and Appeal Affidavit, on August 7<sup>th</sup>, 2007 indicating; "We are a small organization with a very small membership and an even smaller budget. We want to continue to participate in the political process. It is our intent to adhere to all policies of the Il State Board of Elections. As an organization we have had some turnover at the treasurer role and it has made it difficult for us to file on a timely basis. Will McNeil has continued to operate as the interim treasurer until we can find a replacement, which we hope to do in the very near future. We are asking for leniency in this matter as we work through our organizational challenges".

Hearing in this matter was scheduled for Friday, September 7<sup>th</sup>, 2007 to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 11:00 a.m.

There was no appearance by an officer, representative or legal counsel on behalf of the political committee.

It is the opinion of the Hearing Examiner based upon a review of the documents presented in this matter, and consideration of a prior filing delinquency it is the recommendation of the Hearing Examiner that the appeal be denied, and the total assessed fine of \$4,525.00 is due and owing.



Tony Morgando Jr. - Hearing Examiner  
September 10<sup>th</sup>, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street  
Springfield, Illinois 62704  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Daniel W White  
July 9, 2007

BOARD MEMBERS  
Jesse Smart, Chairman  
Wanda Rednour, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Albert Porter  
Bryan Schneider  
Robert Walters

AARC of Illinois  
PO Box 490581  
Chicago, IL 60649

S9099

Dear AARC of Illinois:

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	Semiannual Report of Campaign Contribution and Expenditures
Report Period:	July 1, 2006 through December 31, 2006
Filing Period:	January 2, 2007 through January 31, 2007

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on June 6, 2007, 86 day(s) late. As such, this committee has been assessed a fine of \$4300.00.

Enclosed please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

If the above listed violation is not appealed and since this is a subsequent violation the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days of the issuance of the Final Board Order:

Reporting Period	Report Type	Previous Fine Amount
1/1/2006 - 6/30/3006	Semi-annual	\$225.00
<b>TOTAL AMOUNT NOW DUE</b>		<b>\$4525.00</b>

If you have any questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm

CHICAGO

'07 AUG -7 PM 12: 20

STATE BOARD OF ELECTIONS

State of Illinois )  
County of Cook )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
 )  
Complainant )  
 )  
vs. )  
 )  
AARC of IL )  
Respondent(s). )

No. 07 DS178

APPEAL AFFIDAVIT

I, Will McNeil, the Treasurer of the  
(Name) (Chairman/Treasurer)  
AARC of IL  
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

We are a small organization with a very small membership and an even smaller budget. We want to continue to participate in the political process. It is our intent to adhere to all policies of the IL State Board of Elections. As an organization we have had some turnover at the treasurer role and it has made it difficult for us to file on a timely basis. Will McNeil has continued to operate as the interim treasurer until we can find a replacement, which we hope to do in the very near future.

We are asking for leniency in this matter as we work through our organizational challenges.

"OFFICIAL SEAL"  
GENELLA M. HAWKINS  
NOTARY PUBLIC, STATE OF ILLINOIS  
COMMISSION EXPIRES JUNE 01, 2010

Subscribed and Sworn to Before me  
This 7th Day Of August, 2007  
Genella M. Hawkins  
NOTARY PUBLIC

Will McNeil  
(Signature of Chairman/Treasurer)

State of Illinois )  
County of Cook )

CHICAGO

'07 AUG -7 PM 12: 20

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
vs. )  
AARC of IL )  
Respondent(s). )

No. \_\_\_\_\_

REQUEST FOR HEARING

I, Will McNeil, the Treasurer  
(Name) (Chairman/Treasurer)  
AARC of IL  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee requests a public hearing at which it will appear to offer reasons and defenses why the proposed assessment should not be imposed.

[Signature]  
(Signature of Chairman/Treasurer)

STATE OF ILLINOIS            )  
                                      )       SS  
COUNTY OF COOK            )

**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

**In the Matter of:**

Illinois State Board of Elections            )

Complainant(s)                                )

**Vs.**    )

Board File No. 07 DS 178

AARC of Illinois                                )

Respondent(s)                                 )

**NOTICE OF APPEAL HEARING**

TO:    AARC of Illinois  
      9946 S Prospect  
      Chicago, IL 60643

S9099

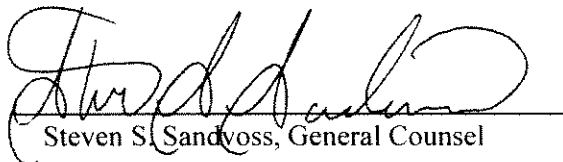
Please take notice that in accordance with Rule 125.425 (f), and by the power vested in me, the Appeal Hearing to be conducted in the above captioned matter is set for September 7, 2007 at 11:00 A.M. at the State Board of Elections, 100 W Randolph, Suite 14-100, Chicago IL.

You are hereby notified that pursuant to the provisions of "An Act to Regulate Campaign Financing" (10 ILCS 5/9-1 et. seq.) and Rules and Regulations adopted pursuant thereto, the following person is hereby appointed Hearing Examiner to conduct the Appeal Hearing concerning the above-captioned matter.

NAME:       Tony Morgando  
ADDRESS:    100 W Randolph, Suite 14-100  
CITY/STATE: Chicago, Illinois  
TELEPHONE:  312/814-6456

The parties have the right to be represented by legal counsel in any proceeding conducted by the State Board of Elections. Any party involved in any proceeding has the right to the presence and participation of additional persons, in addition to, or instead of an attorney, in order to provide technical assistance and consultation. Please contact the Hearing Examiner at the number listed above prior to the date of your hearing to confirm the date and time.

DATED: August 22, 2007

  
Steven S. Sandvoss, General Counsel

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

AARC of Illinois  
PO Box 490581  
Chicago, IL 60649

S9099

Dear AARC of Illinois;

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	Semiannual Report of Campaign Contribution and Expenditures
Report Period:	January 1, 2007 through June 30, 2007
Filing Period:	July 2, 2007 through July 20, 2007

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on August 2, 2007, 2 day(s) late. As such, this committee has been assessed a fine of \$150.00.

Enclosed please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

If the above listed violation is not appealed and since this is a subsequent violation the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days:

Reporting Period	Report Type	Previous Fine Amount
1/1/2006 – 6/30/2006	Semi-annual	\$225.00
7/1/2006 – 12/31/2006	Semi-annual	Pending appeal
<b>TOTAL AMOUNT NOW DUE</b>		<b>\$375.00</b>

If you have any questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,  
  
Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm  
Enclosure(s) appeal documents

**STATE BOARD OF ELECTIONS**

**1020 South Spring Street  
Springfield, Illinois 62704  
217/782-4141**

**Rupert T. Borgsmiller**

**Director, Campaign Disclosure**

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To: Members of the Board, Daniel W. White, Executive Director, & Steve Sandvoss, General Counsel

Re: Additional assessment – Friends of Todd Stroger for President of the Cook County Board of Commissioners, case no. 06 D1-19

Date: November 7, 2007

---

I would like to bring to your attention the fact that the Friends of Todd Stroger for President of the Cook County Board of Commissioners has a civil penalty assessment in addition to the Schedule A-1 violations pending before the Board. A penalty of \$1175.00 was assessed against the committee in December 2006 for the delinquent filing of its D-1 Statement of Organization and was not appealed (see attached Board Order). The Hearing Officer's report in case number 06 AG 072 did not take into consideration the previously assessed penalty of \$1175.00. This amount would become due and owing based on the outcome of the committee's pending appeal.

STATE OF ILLINOIS                     )  
  ) SS  
COUNTY OF SANGAMON                )

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

In the Matter Of:                     )  
  )  
State Board of Elections                )  
                  Complainant(s),        )  
                  Vs.                        )  
  ) 06 D1-19  
Friends of Todd Stroger for President of    )  
the Cook County Board of Commissioners    )  
                  Respondent(s).         )

**FINAL ORDER**

TO: Friends of Todd Stroger for President of the Cook Co. Board of Commissioners S9283  
7241 S Rhodes  
Chicago, IL 60619

This matter coming to be heard this 16<sup>th</sup> day of January, 2007, as an imposition of a civil penalty under Article 9 of the Illinois Election Code (10 ILCS 5/9-1 *et. seq.*), and the State Board of Elections being fully advised in the premises,

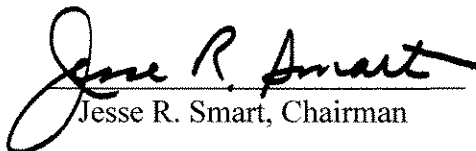
**THE BOARD FINDS**

1. In case number 06 D1-19, a \$1175.00 civil penalty was assessed against the Respondent for the delinquent filing of its D-1 Statement of Organization; and
2. An appeal of the civil penalty was not submitted by the committee.

**IT IS ORDERED:**

1. A civil penalty in the amount of \$1175.00 is imposed and is stayed as a first violation; and
2. The effective date of this Order is January 17, 2007, and
3. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 1/17/2007

  
Jesse R. Smart, Chairman

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141 TTY: 217/782-1518  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago, Illinois 60601  
312/814-6440 TTY: 312/814-6431  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Daniel W. White

BOARD MEMBERS  
Albert S. Porter, Chairman  
Bryan A. Schneider, Vice Chairman  
Patrick A. Brady  
John R. Keith  
William M. McGuffage  
Wanda L. Rednour  
Jesse R. Smart  
Robert J. Walters

MEMORANDUM

**TO:** Chairman Albert S. Porter  
Vice Chairman Bryan A. Schneider  
Members of the Board  
Executive Director Dan White

**From:** Steve Sandvoss, General Counsel

**Re:** SBE v. Friends for Todd Stroger 06 AG 72, Recommendation  
Petition to Intervene Order, Recommendation

**Date:** August 30, 2007

---

I have reviewed the Recommendation of the Hearing Examiner in the above matters and concur with his recommendation and Order.

**STATE OF ILLINOIS  
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

**Illinois State Board of Elections  
Complainant**

vs.

**06 AG 072**

**Friends for Todd Stroger for President  
Of the Cook County Board of Commissioners  
Respondent**

S9283

**REPORT OF HEARING EXAMINER**

**Appeal of Civil Penalty Assessment for Failure to File Schedule A-1's  
for the 2006 General Election**

According to the political committee's December 2006 Semi Annual Report, it received contributions during the Schedule A-1 filing period, October 9<sup>th</sup>, 2006 through November 6<sup>th</sup>, 2006, which failed to be reported within 2 business days of receipt as required by statute. A total of seventy-eight (78) contributions were deemed late. The political committee was assessed a civil penalty in the amount of \$255,816.58.

Ms. Freddrenna Lyle, Treasurer, filed a Request for Hearing and Appeal Affidavit, on April 24<sup>th</sup>, 2007, indicating in part: "Many of the contributions were not tendered to the Treasurer of the campaign on the date of the fundraising event or the date on the check. The Treasurer, when tendered the checks immediately reported the amounts and names to the auditors retained by the Committee who filed the appropriate A-1 report within two (2) business days of the Treasurer's receipt".

Hearing in this matter was originally set for Thursday, May 24<sup>th</sup>, 2007, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 9:30 a.m. The hearing was subsequently continued to Monday, July 30<sup>th</sup>, 2007, at 9:00 a.m.

Ms. Freddrenna Lyle, Treasurer, and Mr. Burt Odelson, counsel, appeared on behalf of the political committee. Counsel for the Respondent filed an Appeal of Civil Penalties Assessed in Error (referred hereafter as Respondents Exhibit #1), which described an intake procedure for processing contributions through a Competence Group which purportedly hosted and ran the fundraising events, and provided vetting and/or a clearing house for contributions. It was the contention of the Respondent that (a) checks received at the front desk of the Stroger campaign headquarters by support staff were held until the Competence Group vetted checks, (b) Checks received by mail at the Stroger headquarters or elsewhere were brought to the campaign headquarters and held until vetted by the Competence Group, (c) Checks that were cleared by the Competence Group were deposited and notice given to the Treasurer, and (d) The Treasurer would notify the campaign that funds were cleared and available for use two (2) days after checks were cleared. The Respondent indicated that such process was initiated to minimize any ethical or statutory violations regarding acceptance of campaign contributions. It is the contention of the Respondent that the "campaign knowingly received funds only after the Treasurer knowingly had knowledge of the funds that had been vetted by the firm charged with that process. The Treasurer's first knowledge would have been when the deposit slips and/or list of contributors were tendered to her by the staff of the campaign", Respondents Exhibit #1. The Respondent stipulates that contributions received on October 10<sup>th</sup> (Wilson \$1,000), October 16<sup>th</sup> (Thomas Medley \$1,000 and the 49<sup>th</sup> Ward Democratic Party \$1,000), October 17<sup>th</sup> (Simon & Griseta \$1,000), and October 19<sup>th</sup> (LeRoy \$750), "were deposited on October 20<sup>th</sup> with notice to the Treasurer on October 23<sup>rd</sup> and thus in violation of the two day reporting requirement", Respondents Exhibit #1.

The Hearing Examiner made a prior request to review the political committees financial records related to the assessed campaign contributions, which the Treasurer produced at the appeals hearings (Respondents Exhibit #2, attached). An examination by the Hearing Examiner with the presence and assistance of Ms. Freddrenna Lyle, Treasurer, was conducted on Monday, August 27<sup>th</sup>, 2007. The Hearing Examiner noted the date the check was issued, date deposited and date reported on its December 2006 Semi-Annual Report of Campaign Contributions and Expenditures\*. It is the opinion of the Hearing Examiner, for purpose of consistent application, the statutory requirement that contributions of more than \$500 be reported within two (2) business days, will be calculated based on the date of deposit. It should be noted these "days late" are estimates, since no actual Schedule A-1's were filed by the political committee. As such, it is the recommendation of the Hearing Examiner, that assessed fines be considered as follows:

<u>Name</u>	<u>Amt</u>	<u>Check Issued</u>	<u>Check Deposited</u>	<u>2006 Semi Date</u>	<u>Days Late</u>	<u>Purposed Fine</u>
Alan Berry	\$1,000	10/27	10/31	10/30	3	\$1,000
Jennifer Brown	\$1,000	11/1	11/3	11/3	1	\$1,000
Center Construction	\$3,000	10/27	10/31	10/30	3	\$3,000
Chgo Medical Equip.	\$1,500	10/26	10/31	10/30	3	\$1,500
Cicero Food Inc	\$1,000	10/23	10/31	10/30	3	\$1,000
Frank Clark	\$1,500	10/25	11/1	11/1	2	\$1,500
Patricia Curtner	\$1,000	10/25	10/31	10/30	3	\$1,000
Thomas Dart	\$1,000	9/26	10/31	10/30	3	\$1,000
Timothy Dart	\$2,500	10/1	10/31	10/30	3	\$2,500
Louis Dineff	\$5,000	11/1	11/3	11/3	1	\$5,000
Distilled Spirits	\$1,000	10/6	11/3	11/3	1	\$1,000
Clarence English	\$1,700	10/28	10/31	10/30	3	\$1,700
Flowers Comm.	\$1,000	10/27	10/31	10/30	3	\$1,000
Kevin Forde	\$1,000	10/20	10/31	10/30	3	\$1,000
Govt Payment Service	\$1,500	10/25	10/31	10/30	3	\$1,500
Brian Harms	\$1,000	11/1	11/3	11/3	1	\$1,000
Melody Hobson	\$25,000	10/23	10/31	10/30	3	\$25,000
Thomas Hynes	\$1,500	10/26	10/31	10/30	3	\$1,500
Matthew Hynes	\$1,500	10/25	10/31	10/30	3	\$1,500
JKD Consulting	\$2,500	10/10	10/31	10/30	3	\$2,500
Camille Julmy	\$1,000	10/27	10/31	10/30	3	\$1,000
Katten, Munchen, LLP	\$1,500	9/14	10/31	10/30	3	\$1,500
Michael Kamys	\$1,000	10/21	10/31	10/30	3	\$1,000
Simon & Griseta	\$1,000	(Stipulated)		10/17	13	\$1,000
Louis Jones	\$2,000	10/31	11/3	11/3	1	\$2,000
Judd Malkin	\$1,000	9/21	10/31	10/30	3	\$1,000
Timothy McGree	\$1,000	10/25	10/31	10/30	3	\$1,000
Michael Leroy Ltd	\$750	(Stipulated)		10/19	11	\$750
Mickeys Auto & Truck	\$1,000	10/16	10/31	10/30	3	\$1,000
Motorola	\$1,000	10/19	11/3	11/3	1	\$1,000
Jason Palmero	\$1,000	10/31	11/3	11/3	1	\$1,000
Renaissance Hospital	\$1,500	11/1	11/3	11/3	1	\$1,500
Richton Sq. Apartments	\$2,000	10/31	11/3	11/3	1	\$2,000
Grady Rivers Jr.	\$1,000	10/24	11/3	11/3	1	\$1,000
Robbins Auto Salvage	\$1,000	10/12	10/31	10/30	3	\$1,000

John Rogers Jr.	\$25,000	10/24	10/31	10/30	3	\$25,000
SV Construction	\$1,500	10/25	10/31	10/30	3	\$1,500
Raymond Scannell	\$1,000	9/30	10/31	10/30	3	\$1,000
Thurman Simpson Medley	\$1,000	(Stipulated)		10/16	14	\$1,000
Gary Snodgrass	\$1,500	10/27	11/1	11/1	2	\$1,500
Take 5 Entertainment	\$1,300	10/6	10/31	10/30	3	\$1,300
Trench-It Inc.	\$1,500	10/20	10/31	11/1	3	\$1,500
Tropical Optical Corp.	\$1,500	10/27	10/31	10/30	3	\$1,500
V3 Companies of IL	\$1,500	10/10	10/31	10/30	3	\$1,500
Vincent R. Wms. & Assoc.	\$500 \$250	10/11 10/31	10/20 11/1	10/17 11/1	2	\$250
Wildman Harrold Allen & Dixon LLP	\$3,000	10/30	11/3	11/3	1	\$3,000
William F. Dart Ltd	\$3,000	10/19	10/31	10/30	3	\$3,000
Mary Wilson	\$1,000	(Stipulated)		10/10	18	\$1,000
Robert Wislow	\$1,500	10/27	10/31	10/30	3	\$1,500
Susan Wislow	\$1,000	10/26	10/31	10/30	3	\$1,000
Scott Wylie	\$1,500	11/1	11/3	11/3	1	\$1,500
38 <sup>th</sup> Wd Reg. Dem. Org	\$2,000	10/30	11/3	11/3	1	\$2,000
AFSCME Council 31	\$5,500	10/30	11/3	11/3	1	\$5,500
AFSCME Council 31	\$10,000	10/30	11/3	11/3	1	\$10,000
Citz for Tom Allen	\$2,000	10/30	11/3	11/3	1	\$2,000
Bloom Twsp Dem. Org	\$2,500	11/1	11/3	11/3	1	\$2,500
Friends of Dorothy Brown	\$1,000	10/25	10/31	10/30	3	\$1,000
Friends of Walter Burnett	\$10,000	11/1	11/3	11/3	1	\$10,000
Citz for Del Valle	\$1,000	10/23	10/31	10/30	3	\$1,000
Dem. Org. of Lyons Twsp	\$2,500	11/1	11/3	11/3	1	\$2,500
49 <sup>th</sup> Ward Dem Party	\$1,000	(Stipulated)		10/16	14	\$1,000
Supporters of Jack Franks	\$1,000	10/26	10/31	10/30	3	\$1,000
Citz for Giannoulis	\$1,000	10/24	10/31	10/30	3	\$1,000
Citz for Hynes	\$1,500	10/26	10/31	10/30	3	\$1,500
Friends of Dan Hynes	\$10,000	10/27	10/31	10/30	3	\$10,000
Friends of Ted Lechowicz	\$1,000	11/1	11/3	11/3	1	\$1,000
Local 150 IUOE	\$10,000	10/31	11/3	11/3	1	\$10,000
Local 134 Int'l	\$1,500	10/25	11/3	11/3	1	\$1,500
Citz for Lisa Madigan	\$15,000	11/2	11/3	11/3	1	\$15,000
Mexican Am. Dem Org.	\$7,000	10/27	11/3	11/3	1	\$7,000
Friends of Bobbie Steele	\$3,000	10/24	10/31	10/30	3	\$3,000
W. Monroe St. Good Govt	\$1,500	10/25	10/31	10/30	3	\$1,500

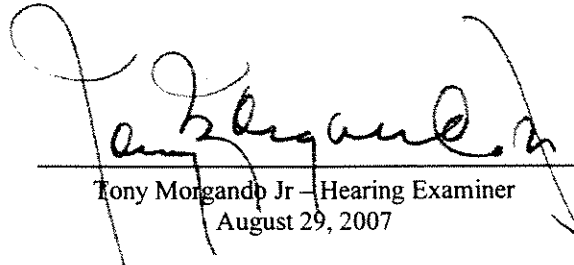
The following In-Kind Contributions are noted as the date the donation of goods and services were made, and the fax transmission date\*\*. The Hearing Examiner attributed two (2) business days to the transmission date for purposes of Schedule A-1 reporting.

SEIU IL PAC	\$5,128.80	10/25	10/30 (fax) 11/1	10/25	2	\$5,128.80
SEIU IL PAC	\$2,485.00	10/26	10/30 (fax) 11/1	10/26	2	\$2,485.00
SEIU IL PAC	\$5,470.40	10/27	10/30 (fax) 11/1	10/27	2	\$5,470.40
SEIU IL PAC	\$6,732.38	11/2	11/3 (fax) 11/3	11/3	1	\$6,732.38

Based upon a review of the statements and documents presented in this matter, it is the recommendation of the Hearing Examiner that the appeal be denied. Since this is the first delinquent Schedule A-1 filing by the political committee, the civil penalty shall be reduced 10% or \$25,582.00, and is due and owing. This amount shall be paid, within thirty (30) days of the issuance of the Order of the Board in this matter.

\*Where contributor checks lacked deposit stamping, Ms. Fredrenna Lyle, Treasurer, provided a DS Viewer (CD) provided by Seaway Bank, to identify deposit dates via tracking i.d.

\*\*Information provided by In-kind Notification Forms faxed to the political committee (attachment)



Tony Morgando Jr - Hearing Examiner  
August 29, 2007

**STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



**BOARD MEMBERS**  
Jesse Smart, Chairman  
Wanda Rednour, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Albert Porter  
Bryan Schneider  
Robert Walters

**EXECUTIVE DIRECTOR**  
Daniel W. White  
March 26, 2007

Friends of Todd Stroger for President of the Cook County Board of Commissioners S9283  
Barbara Jones Green  
601 E. 32nd St #1011  
Chicago, IL 60616

Dear Friends of Todd Stroger for President of the Cook County Board of Commissioners;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Alan Berry	10/30/06	\$1000.00	\$1000.00	*not filed	4
Jennifer Brown	11/3/06	\$1000.00	\$1000.00	*not filed	1
Center Construction Corp	10/30/06	\$3000.00	\$3000.00	*not filed	4
Chicago Medical Equipment & Supply	10/30/06	\$1500.00	\$1500.00	*not filed	4
Cicero Foods Inc DBA Super Garza	10/30/06	\$1000.00	\$1000.00	*not filed	4
Frank Clark	11/1/06	\$1500.00	\$1500.00	*not filed	2
Patricia Curtner	10/30/06	\$1000.00	\$1000.00	*not filed	4
Thomas Dart	10/30/06	\$1000.00	\$1000.00	*not filed	4
Timothy Dart	10/30/06	\$2500.00	\$2500.00	*not filed	4
Louis Dineff	11/3/06	\$5000.00	\$5000.00	*not filed	1
Distilled Spirits Council	11/3/06	\$1000.00	\$1000.00	*not filed	1
Clarence English	10/30/06	\$1700.00	\$1700.00	*not filed	4
Flowers Communications Group	10/30/06	\$1000.00	\$1000.00	*not filed	4
Kevin Forde	10/30/06	\$1000.00	\$1000.00	*not filed	4
Government Payment Service Inc	10/30/06	\$1500.00	\$1500.00	*not filed	4

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Brian Harms	11/3/06	\$1000.00	\$1000.00	*not filed	1
Mellody Hobson	10/30/06	\$25000.00	\$25000.00	*not filed	4
Thomas Hynes	10/30/06	\$1500.00	\$1500.00	*not filed	4
Matthew Hynes	10/30/06	\$1500.00	\$1500.00	*not filed	4
JKD Consulting	10/30/06	\$2500.00	\$2500.00	*not filed	4
Camille Julmy	10/30/06	\$1000.00	\$1000.00	*not filed	4
Katten, Munchen & Rosenman LLP	10/30/06	\$1500.00	\$1500.00	*not filed	4
Law Office of Michael Kamys	10/30/06	\$1000.00	\$1000.00	*not filed	4
Law Offices of Simon & Griseta	10/17/06	\$1000.00	\$1000.00	*not filed	13
Louis Jones Enterprises	11/3/06	\$2000.00	\$2000.00	*not filed	1
Judd Malkin	10/30/06	\$1000.00	\$1000.00	*not filed	4
Timothy McGree	10/30/06	\$1000.00	\$1000.00	*not filed	4
Michael Leroy Ltd	10/19/06	\$750.00	\$750.00	*not filed	11
Mickeys Auto & Truck Recycling	10/30/06	\$1000.00	\$1000.00	*not filed	4
Motorola	11/3/06	\$1000.00	\$1000.00	*not filed	1
Jason Palmero	11/3/06	\$1000.00	\$1000.00	*not filed	1
Renaissance Hospital Management	11/3/06	\$1500.00	\$1500.00	*not filed	1
Richton Square Apartments LLC	11/3/06	\$2000.00	\$2000.00	*not filed	1
Grady Rivers Jr	11/3/06	\$1000.00	\$1000.00	*not filed	1
Robbins Auto Salvage Inc	10/30/06	\$1000.00	\$1000.00	*not filed	4
John Rogers Jr	10/30/06	\$25000.00	\$25000.00	*not filed	4
SV Construction	10/30/06	\$1500.00	\$1500.00	*not filed	4
Raymond Scannell	10/30/06	\$1000.00	\$1000.00	*not filed	4
Thurman Simpson Medley	10/16/06	\$1000.00	\$1000.00	*not filed	14
Gary Snodgrass	11/1/06	\$1500.00	\$1500.00	*not filed	2
Take 5 Entertainment	10/30/06	\$1300.00	\$1300.00	*not filed	4

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Trench-it Inc	11/1/06	\$1500.00	\$1500.00	*not filed	2
Tropical Optical Corp	10/30/06	\$1500.00	\$1500.00	*not filed	4
V3 Companies of Illinois Ltd	10/30/06	\$1500.00	\$1500.00	*not filed	4
Vincent R Williams & Assoc PC	10/17/06		\$500.00**		
Vincent R Williams & Assoc PC	11/1/06	\$250.00	\$250.00	*not filed	2
Wildman Harrold Allen & Dixon LLP	11/3/06	\$3000.00	\$3000.00	*not filed	1
William F Dart Ltd	10/30/06	\$3000.00	\$3000.00	*not filed	4
Mary Wilson	10/10/06	\$1000.00	\$1000.00	*not filed	18
Robert Wislow	10/30/06	\$1500.00	\$1500.00	*not filed	4
Susan Wislow	10/30/06	\$1000.00	\$1000.00	*not filed	4
Scott Wylie	11/3/06	\$1500.00	\$1500.00	*not filed	1
38 <sup>th</sup> Ward Regular Dem Org	11/3/06	\$2000.00	\$2000.00	*not filed	1
AFSCME Council 31 PAC	11/3/06	\$5500.00	\$5500.00	*not filed	1
AFSCME Council 31 PAC	11/3/06	\$10000.00	\$10000.00	*not filed	1
Citz for Tom Allen	11/3/06	\$2000.00	\$2000.00	*not filed	1
Bloom Township Democratic Org	11/3/06	\$2500.00	\$2500.00	*not filed	1
Friends of Dorothy Brown	10/30/06	\$1000.00	\$1000.00	*not filed	4
Friend of Walter Burnett	11/3/06	\$10000.00	\$10000.00	*not filed	1
Citz for DelValle	10/30/06	\$1000.00	\$1000.00	*not filed	4
Democratic Org of Lyons Township	11/3/06	\$2500.00	\$2500.00	*not filed	1
49 <sup>th</sup> Ward Democratic Party	10/16/06	\$1000.00	\$1000.00	*not filed	14
Supporters of Jack Franks	10/30/06	\$1000.00	\$1000.00	*not filed	4
Citz for Giannoulais	10/30/06	\$1000.00	\$1000.00	*not filed	4
Citz for Hynes	10/30/06	\$1500.00	\$1500.00	*not filed	4
Friends of Dan Hynes	10/30/06	\$10000.00	\$10000.00	*not filed	4
Friends of Ted Lechowicz	11/3/06	\$1000.00	\$1000.00	*not filed	1

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Local 150 IUOE Local Area Pac	11/3/06	\$10000.00	\$10000.00	*not filed	1
Local 134 Int'l Bro'hood of Elec Workers	11/3/06	\$1500.00	\$1500.00	*not filed	1
Citz for Lisa Madigan	11/3/06	\$15000.00	\$15000.00	*not filed	1
Mexican American Dem Org	11/3/06	\$7000.00	\$7000.00	*not filed	1
Friends of Bobbie Steele Cmte	10/30/06	\$3000.00	\$3000.00	*not filed	4
W Monroe St Good Gov't Cmte	10/30/06	\$1500.00	\$1500.00	*not filed	4
Friends of Clayborne	10/23/06	\$25000.00	\$25000.00	*not filed	9
SEIU IL Council PAC Fund	10/25/06	\$5128.80	\$5128.80	*not filed	7
SEIU IL Council PAC Fund	10/26/06	\$2485.00	\$2485.00	*not filed	6
SEIU IL Council PAC Fund	10/27/06	\$5470.40	\$5470.40	*not filed	5
SEUI Local 73	11/3/06	\$6732.38	\$6732.28	*not filed	1

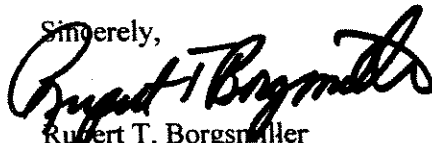
The committee is fined a **total** of \$255,816.58 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$25,582.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order. If this contribution represents your only civil penalty assessment, the penalty will be **stayed** as a first violation and would only become due and owing upon any subsequent delinquent filings by the committee.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. *If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.* Notice of Appeal must be filed within 30 days of the mailing of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,  
  
Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

CHICAGO

State of Illinois )  
)  
County of Cook )

'07 APR 24 PM 12:43  
STATE BOARD OF ELECTIONS

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF: )  
)  
ILLINOIS STATE BOARD OF ELECTIONS, )  
)  
Complainant )  
)  
v. )  
)  
FRIENDS OF TODD STROGER FOR THE )  
PRESIDENT OF THE COOK COUNTY BOARD )  
OF COMMISSIONERS, )  
)  
Respondent )

No. S 9283

**APPEAL AFFIDAVIT**

I, Freddrenna Lyle, the Treasurer of the  
(Name) (Chairman/Treasurer)

Friends of Todd Stroger for President of the Cook County Board of Commissioners  
(Name of the Committee)

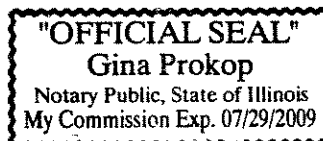
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this mater, and that such reasons and defenses are:

Many of the contributions were not tendered to the Treasurer of the campaign on the date of the fundraising event or the date on the check.. The Treasurer, when tendered the checks immediately reported the amounts and names to the auditors retained by the Committee who filed the appropriate A-1 report within two (2) business days of the Treasurer's receipt. Further defenses will be presented at the hearing in this cause.

Signed and Sworn to by  
Freddrenna Lyle  
before me this 24 Day of  
April, 2007.

Gina Prokop  
Notary Public

Freddrenna Lyle  
(Signature of Chairman/Treasurer)



**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

**In the Matter of:**

Illinois State Board of Elections

Complainant(s)

vs.

Friends for Todd H. Stroger

Respondent(s)

)  
)  
)  
)  
) Board File No. 06 AG 072  
)  
)  
)

**APPEAL OF CIVIL PENALTIES ASSESSED IN ERROR**

The Respondent Committee by and through its legal counsel, Burton S. Odelson of Odelson & Sterk, Ltd. submits the following evidence and argument in support of its request not to be assessed civil penalties or greatly reduce civil penalties to be assessed. All of the following will be introduced through the Committee's Treasurer during the hearing.

**I. INTAKE PROCEDURE FOR CONTRIBUTIONS**

The procedure used in receiving, processing, vetting, depositing, and giving notice to the campaign treasurer and campaign auditor of funds that were deposited and available for use by the campaign were as follows:

- A. Most fundraisers were hosted and run by The Competence Group (campaign fund raisers and clearing house hired by Stroger campaign) and checks collected by events run by The Competence Group held by their staff and forwarded to the campaign after being vetted.
- B. Checks received at Stroger campaign headquarters by support staff at front desk or campaign staff, held at campaign office until Competence Group vetted checks.
- C. Checks received by mail at Stroger headquarters or elsewhere and brought to campaign office, held at campaign office until vetted by Competence Group.
- D. Campaign manager or other trusted staff person held checks until given to The Competence Group;
- E. The Competence Group did ethics vetting and directed Cook County employees checks

returned prior to them being deposited;

- F. Checks that were cleared to be deposited to the campaign were then hand carried by and Chris Anderson (volunteer and staff worker) who would deposit the checks:
- G. Deposit slips tendered to Treasurer (Freddrenna Lyle) sometime after deposit by Anderson.
- H. The Treasurer would inform the campaign that funds were then cleared to be used after two days when checks cleared.

## II. RECAP OF PROCEDURAL DATES

- A. All checks dated 10/30 or earlier and deposited on 10/31 by Chris Anderson who gave notice to Treasurer on Saturday, November 4<sup>th</sup> (39 alleged violations).
- B. All checks dated 10/30, 10/31, 11/1 or prior and deposited on 11/1 (Wednesday) by Chris Anderson who gave notice to the Treasurer on Saturday, November 4<sup>th</sup> (4 alleged violations).
- C. Checks dated 11/3 or prior and deposited 11/3 by Chris who gave notice to the Treasurer on November 6<sup>th</sup> (Monday) (25 alleged violations).
- D. Checks dated 11/4, 11/5, 11/6 deposited 11/6 (Monday) and notice to Treasurer on November 9<sup>th</sup>.
- E. Miscellaneous (9 alleged violations as specified below).

<u>Amount</u>	<u>From</u>	<u>Date (D2)</u>	<u>Deposit</u>	<u>Notice to Treasurer</u>
\$1,000	Simon & Griseta	10/17	10/20 (Fri.)	10/24 (Tues.)
\$750	LeRoy	10/19	10/20	10/24
\$1,000	Medly	10/16	10/20	10/24
\$1,000	Wilson	10/10	10/20	10/24
\$1,000	49 <sup>th</sup> Ward (Fagus)	10/16	10/20	10/24
\$25,000(loan)(p.100)	Claybourne	10/23	10/23 (Mon.)	11-6
\$5,128 (p.113)(in kind)	SEIU	10/25	--	after 11/7 election
\$2,485 (p.113)(in kind)	SEIU	10/26	--	after 11/7 election
\$5,420 (p.113)(in kind)	SEIU	10/27	--	after 11/7 election

- F. Treasurer would tender deposit slips and list of contributions to auditors, Bansley and Kiener, L.L.P. to file A-1 and to gather information for campaign reports to be filed by

auditors. Treasurer would inform campaign that funds were deposited and available to be spent after checks cleared (asked to wait two business days for check to clear).

### III. LATE FILINGS

There were over 968 reported contributions from early October, 2006 up to the November 7<sup>th</sup> election (with some thereafter). Not counted in this number are the many checks that were returned through the vetting process. Over 326 reports were made on Schedule A-1 from October 11<sup>th</sup> through November 6, 2006. It appears that due to the considerable time it took the campaign staff to process, transport and vet checks prior to actual deposit and notice to the Treasurer that funds had been deposited, some late reporting occurred. These late reports were due only to the volume of contributions and the careful scrutiny and vetting system used by the campaign.

The candidate, Todd Stroger, and the campaign chairman, Barbara Jones Green, had nothing to do with the receipt, handling, processing, vetting or reporting of campaign contributions. The Treasurer was solely responsible for the above process. All checks were received and processed, in almost all cases, as described above.

### IV. ARGUMENT

Article 9 of the Election Code governs the disclosure and reporting of campaign contributions. In short, as this Hearing Examiner and Board well know, a "contribution" is defined as such after having been "knowingly received" in connection with the election of any person to public office. (10 ILCS 5/9-1.4)

The Treasurer was the designated person in the Stroger for President campaign to decide when campaign contributions were ready to be deposited and when they could be spent. As stated

above, the Treasurer had a specific process in place in order to minimize any ethical or statutory violations regarding accepting campaign contributions.

The campaign "knowingly received" funds only after the Treasurer "knowingly" had knowledge of the funds that had been vetted by the firm charged with that process. The Treasurer's first "knowledge" would have been when the deposit slips and/or list of contributors were tendered to her by the staff of the campaign.

Thus, the contributions in the Stroger campaign were only "received" when the only authorized person (the Treasurer) received notice of the contribution. Of course, according to the Election Code, the Treasurer had two business days to report the contribution to the State Board of Elections. This occurred in the vast majority of instances (326 A-1 filings between October 11 and November 6, 2006).

Other occasions as listed in the violation notice revealed that the dates reported by the auditors in the D2 report was the date of the check and/or the date of deposit by the volunteer or staff person from the campaign. Of the 68 alleged violations, the majority are dated October 30<sup>th</sup> in the D2 report (39), but deposited on October 31<sup>st</sup> with notice to the Treasurer on November 4<sup>th</sup> (Saturday). The second largest category are dated November 3<sup>rd</sup> in the D2 report (25), actually deposited on November 3<sup>rd</sup> (Friday) with notice to the Treasurer on November 6<sup>th</sup> (Monday). There are four (4) allegations of contributions dated November 1<sup>st</sup> in the D2 report, which were deposited on November 1<sup>st</sup> (Wednesday) and reported to the Treasurer on November 4<sup>th</sup> (Saturday).

Of the remaining nine allegations, it appears the dates of October 17, 19, 16, 10, and 16 contributions were deposited on October 20<sup>th</sup> with notice to the Treasurer on October 23<sup>rd</sup> and

thus in violation of the two day reporting requirement. The October 23<sup>rd</sup> "Clayborne loan" was deposited on October 23<sup>rd</sup> but not reported to the Treasurer until October 30<sup>th</sup>. The final three allegations of "in kind" contributions dated October 25, 26, and 27 were not reported by the contributor to the Treasurer until November 9<sup>th</sup>, 2006, after the election.

## V. CONCLUSION

The Stroger campaign received approximately 968 separate contributions that it deposited and used for campaign purposes during the six weeks prior to the election. Approximately 326 contributions were reported on Schedule A-1 as required by the Election Code. Another 39 (10/30) alleged violations) and 25 (11/3 alleged violations) and 4 (11/1 alleged violations) were reported to the Treasurer and duly reported on the D-2 semi-annual report. The 10/23 alleged "Clayborne loan" was reported to the Treasurer on October 30<sup>th</sup> and the three SEIU "in kind" contributions were not reported until November 9, 2006. The obvious violations were the October 20<sup>th</sup> deposits of checks dated October 17, 19, 16, 10 and 16 with notice to the Treasurer's on October 23, 2006.

The Hearing Examiner does not have to recommend and the Board does not have to impose a civil penalty. The Election Code is clearly in permissive and not mandatory language (...The Board "may" impose fines for violations...when a fine is imposed it shall not be less than 10% of the total amount of the contributions that were untimely reported.) Further, Section 125.425 (c) (5) (A) allows the Board to grant the appeal; deny the appeal and assess a penalty; and determine a violation occurred, but decline to assess a penalty.

The factors the statute mandates (this time mandatory language) are that the Board shall consider the following:

- (1) ...in the Board's opinion was a violation committed inadvertently, negligently, knowingly, or intentionally;
- (2) number of days late
- (3) past violation of 9-3 and 9-10.

(Also provided in Rule 125.425 (c)(5)(B))

There are no past violations by this committee. The items not reported in a timely fashion were only a few days late. Any delay was occasioned by the volume of contributions combined with the desire of the committee to vet contributions and audit in an orderly fashion. Any violation was unquestionably inadvertent and, at worst, negligently committed in the course of being careful in a high profile campaign. There is no evidence or proof of any knowing or intentional conduct in an attempt to avoid or misapply the disclosure laws as required by the State of Illinois.

This is a campaign that received 968 contributions within approximately six weeks prior to the campaign; filed A-1 disclosures 326 times; and reported all contributions on its semi-annual D-2 report. The committee respectfully asks this Hearing Examiner to waive all penalties, or in the alternative recommend minimal penalties on only those items clearly in violation of the statute.

Respectfully submitted,

ODELSON & STERK, LTD.

---

Burton S. Odelson, Attorney for  
Friends of Todd H. Stroger for  
President of the Cook County Board  
of Commissioners

# IN-KIND CONTRIBUTION NOTIFICATION

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

The contributor shall notify the committee of donated goods or services of more than \$50 within five (5) business days.

Do not send this form to the State Board of Elections or the County Clerk.

\*Revised

## Full Name, Mailing Address, and Zip Code

If the In-Kind was donated by an individual, and its value exceeded \$500, occupation & employer must be provided.

To: Friends of Todd Stroger for  
President of the Cook County  
Board of Commissioners  
724 S. Rhodes Avenue  
Chicago, IL 60619

From: SEIU ILLINOIS COUNCIL PAC  
111 E. Walker Drive, Suite 2500  
Chicago, IL 60601

Occupation & Employer (if applicable)

## In-Kind Contribution

Full Name, Mailing Address and Zip Code of Vendor (if applicable)	Date 10/25	Value \$ 5,128.00
	Description cost of auto call	

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.

Gene Kastrop, Political Director  
Signature of Contributor

# IN-KIND CONTRIBUTION NOTIFICATION

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

The contributor shall notify the committee of donated goods or services of more than \$50 within five (5) business days.

Do not send this form to the State Board of Elections or the County Clerk.

Full Name, Mailing Address, and Zip Code

If the In-Kind was donated by an individual, and its value exceeded \$500, occupation & employer must be provided.

\* REVISED  
with correct  
committee  
Name.

To: Friends of Todd Stroger for  
President of the Cook County  
Board of Commissioners  
7241 S. Rhodes Avenue  
Chicago, IL 60619

From: SEIU ILLINOIS COUNCIL PAC  
111 E. Wacker Drive, Suite 2500  
Chicago, IL 60601

Occupation & Employer (if applicable)

## In-Kind Contribution

Full Name, Mailing Address and Zip Code of Vendor (if applicable)	Date 10/23/06	Value \$ 2,485
	Description auto calls cost sent on behalf of campaign	

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.

Gene Kastrop, Political Director  
Signature of Contributor

# IN-KIND CONTRIBUTION NOTIFICATION

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

The contributor shall notify the committee of donated goods or services of more than \$50 within five (5) business days.

Do not send this form to the State Board of Elections or the County Clerk.

## Full Name, Mailing Address, and Zip Code

If the In-Kind was donated by an individual, and its value exceeded \$500, occupation & employer must be provided.

To: Friends of Todd Stroger for  
President of the Cook County  
Board of Commissioners  
1241 S. Rhodes Avenue  
Chicago, IL 60619

From: SEIU ILLINOIS COUNCIL PAC  
111 E. Wacker Drive, Suite 2500  
Chicago, IL 60601

Occupation & Employer (if applicable)

## In-Kind Contribution

Full Name, Mailing Address and Zip Code of Vendor (if applicable)	Date 10/27	Value \$5,470.40
	Description Cost of automated call	

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.

Greene Kastrop, Political Director  
 Signature of Contributor

# IN-KIND CONTRIBUTION NOTIFICATION

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

The contributor shall notify the committee of donated goods or services of more than \$50 within five (5) business days.

Do not send this form to the State Board of Elections or the County Clerk.

## Full Name, Mailing Address, and Zip Code

If the In-Kind was donated by an individual, and its value exceeded \$500, occupation & employer must be provided.

To:

CITIZENS FOR STROGER

449 E. 35th ST.

CHICAGO IL 60616

From:

SEIU LOCAL 73

1165 N. CLARK ST. #500

CHICAGO IL 60610

Occupation & Employer (if applicable)

## In-Kind Contribution

Full Name, Mailing Address and Zip Code of Vendor (if applicable)	Date	Value
	Description	
	11/3/2006	\$6,732.38
	LOCAL 73 MEMBERS WORKING ON CAMPAIGN	

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.

  
Signature of Contributor

**STATE OF ILLINOIS  
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections

**Complainant**

v.

**06 AG 072**

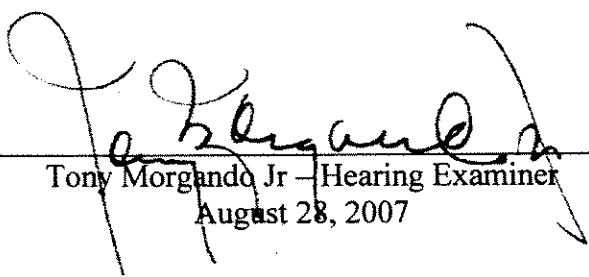
Friends for Todd Stroger

S-9283

**Respondent**

**ORDER OF HEARING EXAMINER**

This cause coming to be heard on motion of Tony Peraica, through counsel, Richard K. Means, to file its Petition for Leave to Intervene in Civil Penalty Assessment Appeal, the Hearing Examiner denies such motion in that the applicant has not demonstrated "that he may be adversely affected by a final order of the Board" in this matter, or that the "applicant's claim or defense and the adjudicative proceeding have a question of law or fact in common", Rule & Regulation 125.130 Intervention.

  
\_\_\_\_\_  
Tony Morgando Jr - Hearing Examiner  
August 28, 2007

**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

IN THE MATTER OF:

ILLINOIS STATE BOARD OF ELECTIONS,  
Complainant

vs.

FRIENDS OF TODD STROGER FOR THE  
PRESIDENT OF THE COOK COUNTY BOARD  
OF COMMISSIONERS,  
Respondent

Case No. \_\_\_\_\_

FILED BOARD OF ELECTIONS  
07 AUG -6 PM 3:21

**PETITION FOR LEAVE TO INTERVENE  
IN CIVIL PENALTY ASSESSMENT APPEAL**

**NOW COMES** Tony Peraica, Proposed Intervenor herein, by and through his attorney, Richard K. Means, hereby petitions for leave to intervene in the above-captioned matter, and be deemed a party therein, as follows:

1. Proposed Intervenor Tony Peraica was a candidate for election to the office of President of the Cook County Board of Commissioners at the November 7, 2007 General Election.
2. The candidate which the Respondent Committee supported, Todd Stroger, defeated the Proposed Intervenor in a very close election.
3. This Board's staff has found, from the Respondent Committee's own D-2 filings, in violation of the Illinois Campaign Finance Act, that the Respondent Committee unlawfully concealed and failed to timely disclose campaign contributions in the amount of \$255,816.58 which were made (and received by the Committee) shortly before the November 7, 2007 General Election.
4. This Board's staff alleges that a civil penalty should be assessed against the Respondent Committee in the amount of \$255,816.58, only 10% of which (\$25,582.00) should be due and payable on the grounds that the violations are a first offense.

5. That among the issues raised by Proposed Intervenor, Tony Peraica, in the November 7, 2007 General Election campaign was the allegation that a large portion of Todd Stroger's campaign support came from Regular Democratic political figures and committees and at least \$103,000 of the campaign contributions which this Board's staff has alleged the Respondent Committee unlawfully concealed and failed to timely disclose came from such sources.
6. That among the issues raised by Proposed Intervenor, Tony Peraica, in the November 7, 2007 General Election campaign was the allegation that a large portion of Todd Stroger's campaign support came from business and other special interests which received Cook County governmental contracts or special legislative and administrative consideration in a "pay to play" scheme of governmental corruption and favoritism and at least \$86,000 of the campaign contributions which this Board's staff has alleged the Respondent Committee unlawfully concealed and failed to timely disclose came from such sources.
7. While the public is always the victim of the unlawful concealment of campaign contributions, an opposing political candidate who has made a campaign issue of the particular contributions concealed is also a particular victim – and has specifically been harmed - and thus has a particular interest in redressing the violations.
8. The Complainant in the above-captioned case is Board staff which, appropriately, is not a zealous advocate for its position and therefore Proposed Intervenor, Tony Peraica's interests are not adequately represented by parties presently before the Hearing Officer and Board.
9. This Board's staff allegation that a civil penalty should be assessed against the Respondent Committee in the amount of \$255,816.58 is correct based upon the Respondent Committee's own D-2 filings. However the Board's staff position that only 10% (\$25,582.00) should be due and payable as a civil penalty on the grounds that the violations are a first offense is in error because:
  - a. This is not this committee's first offense. The Respondent Committee was assessed a fine of \$1175.00 for filing its D-1 Statement of Organization some 47 days late said assessment dated December 1, 2006. Said penalty was stayed during a period of good behavior upon recommendation of Board staff and confirmed by this Board January 17, 2007.

- b. The concealment of \$255,816.58 in campaign contributions (much of which were the subject of ongoing campaign issues) was *deliberate, knowing and intentional* in that the Respondent Committee apparently set up an administrative procedure which guaranteed that campaign contributions actually received by the committee would be concealed from the committee's own Treasurer beyond statutory limits and thus concealed from the public until after the election when the public was powerless to discipline the candidate for any impropriety. Thus the very purpose of campaign finance disclosure - disclosure at a time when campaign funding sources and amounts can be responded to by voting behavior - was frustrated.
- c. §9-10 of the Election Code requires this Board to consider how late compliance was accomplished in determining the level of a civil penalty. Here, the fact that at least one of the contributions was as much as 18 days late and many were at least a week late is a factor which pales against comparison to the fact that *these contributions were never disclosed before the election*, the very purpose of campaign finance disclosure. The disclosures came over 90 days after the election in a January 2007 semi-annual D-2 filing.
10. The defense apparently presented by the Respondent Committee that under §9-6 of the Election Code, campaign personnel have up to 5 days after receipt of a contribution to render an accounting to the committee treasurer who has the responsibility of reporting and that this committee's treasurer did not know of the contributions to demand their accounting within the statutory period is utter nonsense. The Election Code impliedly requires that the treasurer of a campaign committee to demand immediate notice of campaign contributions in excess of \$500 received during the last 30 days before an election so that the treasurer can make the legally required disclosures. 10 ILCS 5-9-10.
11. Therefore the Proposed Intervenor urges that the Respondent Committee should be fined the full \$255,816.58 so that the Committee is prevented from profiting from its own intentional and preventable misbehavior.
12. The fact that there has been one hearing respecting the Respondent Committee's appeal of the civil penalty herein does not render the proposed intervention untimely.

- a. On June 27, 2007, Proposed Intervenor, through counsel, filed a Freedom of Information Act request specifically seeking disclosure of these pending proceedings and Board staff informed Proposed Intervenor of the pendency of these proceedings but, through a clerical error, neglected to inform him of the hearing date.
- b. That, upon specific inquiry by the Proposed Intervenor's attorney, 63 minutes before the hearing, Board staff informed Proposed Intervenor's attorney of the hearing. Proposed Intervenor's attorney was thus not provided with adequate notice to prepare for and attend said hearing.
- c. That the Proposed Intervenor has proceeded with alacrity and diligence and should not be punished for this Board's clerical error.

**WHEREFORE**, Proposed Intervenor, Tony Peraica, should be granted leave to intervene and be made a party in the above-captioned case to argue, among other things, that the civil penalty suggested by Board staff should be assessed in the full amount.

Respectfully submitted,

Tony Peraica



by and through his attorney  
Richard K. Means

Richard K. Means

ARDC Attorney #01874098

24 hour 7 day contact information:

Email: [Rmeans@RichardMeans.com](mailto:Rmeans@RichardMeans.com)

Web site: [www.RichardMeans.com](http://www.RichardMeans.com)

806 Fair Oaks Avenue

Oak Park, Illinois 60302

Telephone: (708) 386-1122

Facsimile: (708) 383-2987

Cellular (312) 391-8808

August 6, 2007

### **CERTIFICATION**

By signing my name below **I certify, on my oath, under the felony penalties of perjury** as provided by section 1-109 of the Illinois Code of Civil Procedure, that I have personal knowledge of the facts stated above, **that the facts set forth above are true and correct and that I believe that they are true.**

August 6, 2007

A handwritten signature in black ink, appearing to be "D. L. Thomas", written in a cursive style.

**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

IN THE MATTER OF:

ILLINOIS STATE BOARD OF ELECTIONS,  
Complainant

vs.

FRIENDS OF TODD STROGER FOR THE  
PRESIDENT OF THE COOK COUNTY BOARD  
OF COMMISSIONERS,  
Respondent

Case No. \_\_\_\_\_  
( )

**REQUEST FOR HEARING**

Pursuant to his Petition For Leave To Intervene, Proposed Intervenor prays for a hearing on his intervention and an opportunity to argue that the civil penalty suggested by Board staff should be assessed and in the full amount.

Respectfully submitted,

Tony Peraica



by and through his attorney  
Richard K. Means

August 6, 2007

Richard K. Means

ARDC Attorney #01874098

24 hour 7 day contact information:

Email: [Rmeans@RichardMeans.com](mailto:Rmeans@RichardMeans.com)

Web site: [www.RichardMeans.com](http://www.RichardMeans.com)

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Oak Park, Illinois 60302

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**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

IN THE MATTER OF:

ILLINOIS STATE BOARD OF ELECTIONS,  
Complainant

vs.

FRIENDS OF TODD STROGER FOR THE  
PRESIDENT OF THE COOK COUNTY BOARD  
OF COMMISSIONERS,  
Respondent

Case No. \_\_\_\_\_

**APPEARANCE**

I, Richard K. Means, a Illinois licensed attorney, hereby enter my appearance as attorney for the the Proposed Intervenor, Tony Peraica, in the above-captioned case.

I agree to accept service of documents by facsimile and/or email. Email is preferred.

I agree to waive the necessity of formal service of any documents in exchange for actual in-hand delivery to me or a member of my staff.



Richard K. Means  
Attorney For Proposed Intervenor

August 6, 2007

Richard K. Means

ARDC Attorney #01874098

24 hour 7 day contact information:

Email: Rmeans@RichardMeans.com

Web site: www.RichardMeans.com

806 Fair Oaks Avenue

Oak Park, Illinois 60302

Telephone: (708) 386-1122

Facsimile: (708) 383-2987

Cellular (312) 391-8808

IN THE MATTER OF:

VS.

Case No. \_\_\_\_\_

## NOTICE OF FILING AND PROOF OF SERVICE

**PLEASE TAKE NOTICE** that, prior to 3:00 pm on August 6, 2007, I filed the attached **PROPOSED INTERVENOR'S APPEARANCE OF COUNSEL, PETITION FOR LEAVE TO INTERVENE IN CIVIL PENALTY ASSESSMENT APPEAL** and **REQUEST FOR HEARING**, a copy of each of which is hereby served upon you by email and/or fax transmission.

*Robert E. Weiss*

Richard K. Means

ARDC Attorney #01874098

24 hour 7 day contact information:

Email: [Rmeans@RichardMeans.com](mailto:Rmeans@RichardMeans.com)

Web site: [www.RichardMeans.com](http://www.RichardMeans.com)

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Oak Park, Illinois 60302

Telephone: (708) 386-1122

Facsimile: (708) 383-2987

Cellular (312) 391-8808

# BEFORE THE STATE BOARD OF ELECTIONS OF THE STATE OF ILLINOIS

IN THE MATTER OF:

ILLINOIS STATE BOARD OF ELECTIONS,	)	
Complainant	)	
	)	
vs.	)	Case No. <b>06 AG 072</b>
	)	Committee No. S 9283
FRIENDS OF TODD STROGER FOR THE	)	Hearing Examiner Tony Morgando
PRESIDENT OF THE COOK COUNTY BOARD	)	
OF COMMISSIONERS,	)	
Respondent	)	

01001-3 11:2:56

## PROPOSED INTERVENOR'S MOTION FOR RECONSIDERATION OF THE HEARING EXAMINER'S ORDER DENYING INTERVENTION

**NOW COMES** Tony Peraica, Proposed Intervenor herein, by and through his attorney, Richard K. Means, hereby moves for reconsideration of the Hearing Examiner's denial of intervention (dated August 13, 2007 and served on Proposed Intervenor September 6, 2007) in the above-captioned matter. In support of his Motion, Proposed Intervenor alleges as follows:

1. The Hearing Examiner denied the intervention on the grounds that "the applicant has not demonstrated 'that he may be adversely affected by a final order of the Board' in this matter, or that the 'applicant's claim or defense and the adjudicative proceeding have a question of law or fact in common', Rule & Regulation 125.130 Intervention."
2. The Hearing Examiner was in error in questioning whether this Proposed Intervenor might be adversely affected by a final order of the Board on an appeal of a civil penalty assessment since, by definition, no party other than the party Respondent in such a case could be so affected.
3. While the Hearing Examiner was correct, at the time of his ruling, that the Proposed Intervenor did not have on file a claim with questions of law and/or fact in common with the above captioned case, such is no longer the case. On September 26, 2007, Proposed Intervenor initiated case 07 CD 071 alleging essentially the same facts as alleged in the above-captioned case.
4. From the face of it's own D-2 filings, Respondent Committee is in violation of the Illinois Campaign Finance Act, that the Respondent Committee unlawfully concealed and failed to timely

disclose campaign contributions in the amount of \$255,816.58 which were made (and received by the Committee) during the 30 days before the November 7, 2007 General Election.

5. This Board's Staff alleges that a civil penalty should be assessed against the Respondent Committee in the amount of \$255,816.58, only 10% of which (\$25,582.00) should be due and payable on the grounds that the violations are a first offense.
6. Proposed Intervenor Tony Peraica was a candidate for election to the office of President of the Cook County Board of Commissioners at the November 7, 2007 General Election.
7. The candidate which the Respondent Committee supported, Todd Stroger, defeated the Proposed Intervenor in a very close election. Had the contributions illegally concealed been disclosed, the electoral result might have been different.
8. That among the issues raised by Proposed Intervenor, Tony Peraica, in the November 7, 2007 General Election campaign was the allegation that a large portion of Todd Stroger's campaign support came from Regular Democratic political figures and committees and at least \$103,000 of the campaign contributions which this Board's staff has alleged the Respondent Committee unlawfully concealed and failed to timely disclose came from such sources.
9. That among the issues raised by Proposed Intervenor, Tony Peraica, in the November 7, 2007 General Election campaign was the allegation that a large portion of Todd Stroger's campaign support came from business and other special interests which received Cook County governmental contracts or special legislative and administrative consideration in a "pay to play" scheme of governmental corruption and favoritism and at least \$86,000 of the campaign contributions which this Board's staff has alleged the Respondent Committee unlawfully concealed and failed to timely disclose came from such sources.
10. While the public is always the victim of the unlawful concealment of campaign contributions, an opposing political candidate who has made a campaign issue of the particular contributions concealed is also a particular victim – and has specifically been harmed - and thus has a particular interest in redressing the violations.
11. The Complainant in the above-captioned case is Board Staff which, appropriately, is not a zealous advocate for its position. Indeed, the Hearing Examiner's proposed ruling reveals that Board Staff was not present at any hearing thus far and apparently waived the opportunity to cross-examine

Respondent's witnesses or even argue in support of its position. Therefore Proposed Intervenor, Tony Peraica's interests are not adequately represented by parties presently before the Hearing Examiner and Board. . After all, a primary purpose for an intervention is to provide the decision maker with evidence and arguments not already being made in the proceeding by the original parties. ICCP §2-408(a)(2); 735 ILCS 5/2-408(a)(2); *Freesen, Inc. v. County of McLean*, 277 Ill. App.3d 68 (4<sup>th</sup> Dist., 1996).

12. This Board's staff allegation that a civil penalty should be assessed against the Respondent Committee in the amount of \$255,816.58 is correct based upon the Respondent Committee's own D-2 filings. However the Board's staff position that only 10% (\$25,582.00) should be due and payable as a civil penalty on the grounds that the violations are a first offense is in error because That recommendation is a misapplication of the standard set out in 10 ILCS 5/9-10 (b-5) which reads, in pertinent part:

Failure to report each contribution is a separate violation of this subsection. In the final disposition of any matter by the Board on or after the effective date of this amendatory Act of the 93rd General Assembly, the Board may impose fines for violations of this subsection not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported. When considering the amount of the fine to be imposed, the Board shall consider, but is not limited to, the following factors:

- (1) whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly, or intentionally;
- (2) the number of days the contribution was reported late; and
- (3) past violations of Sections 9-3 and 9-10 of this Article by the committee.

13. Specifically, Board Staff's position in this respect is in error for the following reasons:

- a. First, the Board Staff apparently neglected to notice that the Stroger committee made 78 (\$255,816.58) separate A-1 violations in this case and, as the statute prescribes, that each "failure to report (a) contribution (requiring the filing of an A-1) is a separate violation." See also statements of Board General Counsel in *SBE v. Vote for Sam Cahnman*, 06 AG 067, transcript Appendix A.
- b. Second, Board Staff apparently neglected to notice that the 78 (\$255,816.58) A-1 violations in this case were not just late but in fact never filed disclosures before the election thus concealing the contributions from the public until after the election when the public was powerless to discipline the candidate for any impropriety. Thus the primary purpose of campaign finance disclosure - disclosure at a time when campaign funding sources and amounts can be responded to by voting behavior - was frustrated.

- c. Third, Board Staff apparently neglected to notice that the 78 (\$255,816.58) A-1 violations in this case were not the first violations of Sections 9-3 and 9-10 for this committee. The Respondent Committee was assessed a fine of \$1175.00 for filing its D-1 Statement of Organization some 47 days late said assessment dated December 1, 2006. Said penalty was stayed during a period of good behavior upon recommendation of Board staff and confirmed by this Board January 17, 2007.
  - d. Fourth, Board Staff apparently neglected to notice that the 78 (\$255,816.58) A-1 violations in this case were not just a little late (e.g., one or 2 days late like this Board's September 14th 10% enforcements in *SBE v. Vote for Sam Cahnman*, 06 AG 067, transcript Appendix A.) more than 3 months late, such failures to report being deemed 1 – 18 days late since the time was tolled by the occurrence of the Election Day.
  - e. Finally, Board Staff apparently neglected to notice that the 78 (\$255,816.58) A-1 violations in this case were not inadvertent, merely negligent, unknowing, or unintentional but were, in fact, ***deliberate, knowing and intentional*** in that the Respondent Committee apparently set up an administrative procedure which guaranteed that campaign contributions actually received by the committee would be concealed from the committee's own Treasurer beyond statutory limits and thus concealed from the public until after the election when the public was powerless to discipline the candidate for any impropriety.
14. Therefore the Proposed Intervenor urges that the Respondent Committee should be fined the full \$255,816.58 so that the Committee is prevented from profiting from it's own intentional and preventable misbehavior. This is an argument not yet presented by any party to the above-captioned case.

**WHEREFORE**, Proposed Intervenor's Petition for Leave to Intervene should be reconsidered and should be granted.

Respectfully submitted,

Tony Peraica



by and through his attorney  
Richard K. Means

Richard K. Means

ARDC Attorney #01874098

24 hour 7 day contact information:

Email: [Rmeans@RichardMeans.com](mailto:Rmeans@RichardMeans.com)

Web site: [www.RichardMeans.com](http://www.RichardMeans.com)

806 Fair Oaks Avenue

Oak Park, Illinois 60302

Telephone: (708) 386-1122

Facsimile: (708) 383-2987

Cellular (312) 391-8808

October 3, 2007

### **CERTIFICATION**

By signing my name below **I certify, on my oath, under the felony penalties of perjury** as provided by section 1-109 of the Illinois Code of Civil Procedure, that I have personal knowledge of the facts stated above, **that the facts set forth above are true and correct and that I believe that they are true.**

October 3, 2007



## Appendix A.

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EXCERPT OF BOARD OF ELECTIONS MEETING ON 9-14-07

CAHNMAN MATTER

1 VICE CHAIRMAN SCHNEIDER: Yes.

2 MS. GLAZIER: Chairman Porter?

3 CHAIRMAN PORTER: Aye.

4 All right. The motion carries.

5 Mr. Cahnman, can we step over to  
6 his case, Steve?

7 MR. SANDVOSS: Actually, his would be  
8 in the next group of appeals that the board would be  
9 faced with.

10 CHAIRMAN PORTER: Okay. Let's take  
11 his case since he's here.

12 Would you step up, sir? That's  
13 06AG067.

14 What page is that on?

15 MEMBER KEITH: 96.

16 MR. SANDVOSS: It would be pages --  
17 yes, 96.

18 CHAIRMAN PORTER: All right. Would  
19 you address yourself to that, please?

20 MR. CAHNMAN: Thank you.

21 These cases involve...

22 CHAIRMAN PORTER: No. We want to  
23 hear first from general counsel and then we'll let  
24 you.

1 MR. CAHNMAN: Oh, okay. I'm sorry.

2 MR. SANDVOSS: Thank you,

3 Mr. Chairman.

4 This is an appeal of a civil  
5 penalty assessment against the vote for Sam Cahnman  
6 Committee. The assessment was \$11,000 for failure  
7 to report in a timely manner two contributions, one  
8 of \$1,000, one of \$10,000.

9 The hearing was held in this  
10 matter, and the recommendation of the hearing  
11 officer was that the appeal be denied for an  
12 insufficient defense as to both assessments but, in  
13 the opinion of the hearing officer, because it was a  
14 first time violation of the A-1 reporting  
15 requirement that the ten percent reduction be  
16 appropriate in this case. Actually, it's a 90  
17 percent reduction but resulting in a ten percent  
18 assessment of the original fine which would lower to  
19 it \$1,100.

20 I concur with the recommendation  
21 of the hearing officer in this case.

22 CHAIRMAN PORTER: Okay. So the total  
23 amount of the fine would be \$1,100?

24 MR. SANDVOSS: Applying the 90

1 percent reduction, yes, it will.

2 CHAIRMAN PORTER: Sir, would you like  
3 to address us now?

4 MR. CAHNMAN: Yes, I would. Thank  
5 you.

6 This case involves two allegedly  
7 late filed A-1s.

8 First, there was a thousand  
9 dollar check from the Plumbers Co. that was received  
10 purportedly on October 14th although I'm not sure  
11 when it was received. The bank records show that  
12 the check was deposited on October 23rd.

13 There was an attempt -- I have  
14 with me here John Gregorich who was working on my  
15 campaign, and he made an attempt to file an  
16 electronic A-1 on Tuesday, October 17th. October  
17 13th was a Friday so the A-1 would have been due on  
18 October 17th.

19 He had problems, and he  
20 submitted an affidavit, which he said he had  
21 experienced electronic problems, problems with the  
22 electronic filing, and I have him here to explain  
23 the problem that he experienced?

24 Could you tell the board -- if

1 this is okay with the board?

2 CHAIRMAN PORTER: Yes.

3 MEMBER KEITH: Mr. Sandvoss, what is  
4 the rule about new evidence at this stage?

5 MR. SANDVOSS: There's a proposed  
6 rule -- and I would have to check to see; I don't  
7 believe it's been adopted at this point -- that  
8 would restrict evidence before the board, that's  
9 presented to the board, to that which was argued at  
10 the hearing, the initial hearing before the hearing  
11 officer.

12 CHAIRMAN PORTER: Is he offering  
13 evidence that was not considered before?

14 MR. SANDVOSS: I don't know because I  
15 haven't heard what he's preparing to offer.

16 MR. CAHNMAN: My understanding, the  
17 current rule now is that I can offer new evidence  
18 before the board, and what Mr. Gregorich was going  
19 to do was he was going to explain what -- the  
20 hearing officer in her report made a comment that he  
21 didn't explain what the problem he had with the  
22 electronic filing was.

23 So that's why I brought him here  
24 today, so he could explain that problem.

1                   CHAIRMAN PORTER: Is there some  
2 reason why that was not explained to the hearing  
3 officer?

4                   MR. CAHNMAN: Well, it was done by  
5 way of affidavit, and the affidavit said, "I  
6 experienced problems with the computer program and  
7 was unable to file the form electronically." And he  
8 didn't detail the problem in the affidavit.

9                   He wasn't at the hearing. At  
10 the hearing, the hearing officer asked me to have  
11 Mr. Gregorich file an affidavit, and then I did  
12 subsequently do that, and then she didn't ask me,  
13 the hearing officer didn't ask me for a more  
14 detailed affidavit, but she did put in her report  
15 something indicating that it wasn't detailed enough.  
16 So that's why...

17                  CHAIRMAN PORTER: Proceed. We're  
18 going to listen to him.

19                  MR. GREGORICH: On both occasions I  
20 attempted to download Form A-1, and it would not  
21 properly download on the computer that was available  
22 to me, and I do not ever recall seeing the form A-1  
23 actually displayed on the computer that I was using  
24 at Mr. Cahnman's office.

1                   After the first attempt, I asked  
2   someone on the State Board of Elections staff to  
3   explain to me the procedure for downloading and  
4   accessing form A-1.

5                   I followed exactly what I was  
6   told to do, and the form still did not properly  
7   download.

8                   I'm not that computer savvy, and  
9   I actually have no idea what the problem could have  
10   been.

11                  MR. CAHNMAN: Thank you.

12                  So what we did was when we  
13   realized on the evening of October 17th that we  
14   couldn't make electronic filing successfully, there  
15   was an attempt to make a paper filing. I believe it  
16   was both by fax and by putting a paper copy in  
17   between the doors here.

18                  The board did receive a paper  
19   filing, but it was not file stamped until October  
20   18th, and then later, an electronic filing was made.

21                  And a similar problem happened  
22   with the other. The \$10,000 was a loan by me, Sam  
23   Cahnman, to the campaign committee that was made on  
24   Friday, November 3rd, and so the A-1 would have been

1 due, since Tuesday was a, the following Tuesday was  
2 a state holiday for the State Board of Elections,  
3 November 6th, the filing would have been due on  
4 Wednesday, November 7th.

5                   And a similar thing happened  
6 with that where he was unsuccessful in his attempt  
7 to do the electronic filing, so we did attempt a  
8 paper filing by fax and/or by putting it in the door  
9 here after hours, but again, it was not -- the paper  
10 form that the board received indicates that it was  
11 file stamped the next day on 11-9.

12                   And later an A-1 was filed  
13 electronically, and this was obviously very late in  
14 the campaign, November 3rd, the Friday before the  
15 election.

16                   The hearing officer also noted  
17 that there were other electronic filings in between  
18 these two, and she assumed that Mr. Gregorich had  
19 made those and that, therefore, he did know how to  
20 do an electronic filing, but in speaking to him, I  
21 learned that he did not make those other electronic  
22 filings. Some of my electronic filings were made by  
23 the secretary in my law office, and I also had an  
24 accountant, Gubin & Powers, who did some of my

1 electronic filings.

2                               So either the secretary in my  
3 office or the accountant made those other electronic  
4 filings.

5                               Now, since I realized the  
6 problem occurred with these A-1s, I've been  
7 extremely diligent. I was a candidate for alderman  
8 in the '07 municipal election, so I had quite a  
9 number of A-1s, pre-election reports, and semiannual  
10 report that was due, and every time I had one that  
11 was due by electronic filing, I actually came over  
12 here personally myself to work with the board staff,  
13 and Sharon Steward can attest to this. I used the  
14 board's computer to make sure it was done correctly  
15 and on time, and all those filings were accomplished  
16 on time and done correctly.

17                              So I believe, since there was a  
18 good faith attempt to make these filings both  
19 electronically and on paper within the time period  
20 that they should have been made, that the appeal  
21 should be granted.

22                              In the alternative, if the  
23 appeal is not granted, I would ask that the board  
24 apply the rule that the board did in the case of

1 State Board of Elections versus Chicago Apartment  
2 Association PAC, O6MA1 and in the case of State  
3 Board of Elections versus Black Illinois Legislative  
4 Lobby, O6MA2.

5 In those cases, there were  
6 numerous violations that these committees had  
7 committed, five, six, maybe ten violations in each  
8 case, way more than what I have, and what the board  
9 did was because it was a first violation, the board  
10 stayed enforcement of the fine pending good  
11 behavior, well, in one of them pending good behavior  
12 for two years, and then the other one, it simply  
13 stayed the fine, and it didn't make any comment  
14 about good behavior.

15 So again, if the board does deny  
16 the appeal, this would be my first violation or set  
17 of violations, and I would ask that the fine, like  
18 in these cases, be stayed pending my good behavior  
19 or just stayed period.

20 Thank you.

21 VICE CHAIRMAN SCHNEIDER: Steve,  
22 could I ask on the question of the staying?

23 MR. SANDVOSS: Yes.

24 VICE CHAIRMAN SCHNEIDER: What does

1 our policy and procedures say on that, please?

2 MR. SANDVOSS: According to  
3 9-10(b)(5), the A-1 is a uniquely treated report.  
4 Each individual contribution, if it's filed late, is  
5 a separate violation in and of itself, and since the  
6 board began administering these civil penalties  
7 under the Gift Ban Act enacted in 1998 I believe it  
8 was, if it was multiple contributions at issue, the  
9 stay would not apply.

10 So if the board were to accept  
11 Mr. Cahnman's argument, we'd be overturning  
12 precedent that's been around for almost ten years,  
13 so I'd certainly recommend against that, and if the  
14 board finds violations in both cases, I just don't  
15 think a stay is appropriate.

16 Now, the recommendation of the  
17 hearing officer was to deny but give the 90 percent  
18 reduction, which I feel comfortable with, and I  
19 would still maintain my position that that should be  
20 the way the board resolves this case.

21 MR. CAHNMAN: Could I address the  
22 board?

23 CHAIRMAN PORTER: Yes, go ahead.

24 MR. CAHNMAN: I wanted to say that I

1 think these cases that I cited clearly show there  
2 were multiple violations and many more than I have.

3 CHAIRMAN PORTER: Yeah. Well, see,  
4 the only thing is when you come in with cases for  
5 the first time, general counsel hasn't memorized the  
6 facts in every case. If you present that to the  
7 counsel beforehand, he could look at those cases and  
8 he could see if those cases were distinguishable.

9 I don't know. Steve, do you  
10 have an opinion?

11 MR. SANDVOSS: I am familiar with the  
12 two cases that he presented, and, yes, in my  
13 opinion, they are distinguishable.

14 Those cases, number one,  
15 involved a PAC type of committee as opposed to a  
16 candidate committee, and the significance of that is  
17 that when a candidate files their nominating  
18 petitions, they're specifically given notice in the  
19 form of a D5, notice of obligation that tells a  
20 candidate they have certain file obligations under  
21 the Campaign Finance Act, whereas a PAC, because  
22 they don't file any nominating petitions, don't have  
23 the benefit of that statement.

24 And the reason why the board

1 granted or allowed a stay of the penalties together,  
2 even though they were separate violations, is  
3 because in those two cases, they were candidate  
4 committees, and their defense was that they didn't  
5 realize they had to file, and they filed their D-1  
6 statement of organization, semiannual report,  
7 pre-election report all on one date which, you know,  
8 supports their contention that they didn't realize  
9 they had to file.

10 Here Mr. Cahnman is a candidate  
11 committee. He's filed reports before so he can't  
12 argue he didn't know he had to file, and since the  
13 statute specifically treats these as individual  
14 separate violations, I don't think those two cases  
15 are applicable.

16 That's my opinion.

17 CHAIRMAN PORTER: You want to  
18 respond, sir?

19 MR. CAHNMAN: Well, I was advised --  
20 I consulted with another election lawyer, and the  
21 reason I brought this up was he had advised me that  
22 these cases -- I don't see why they wouldn't be  
23 applicable because...

24 CHAIRMAN PORTER: Well, you heard

1 general counsel's argument. You want to respond to  
2 what he argued?

3 MR. CAHNMAN: Right. Well, it seems  
4 to me that be these are multiple violations and  
5 first time violations, and mine is a multiple  
6 violation. I'm a different kind of committee. I'm  
7 a candidate, not a PAC, that's true, but I think  
8 that's a distinction, not a difference.

9 I'd also ask that if the board  
10 does decide to stay one of the fines and impose the  
11 other fine, that the one for the \$10,000 loan made  
12 by me which would be the thousand dollar fine be  
13 stayed and that the other fine be imposed.

14 MEMBER MCGUFFAGE: I think I just  
15 want to approach this from a different direction.  
16 It's like, you know, with A-1s. They're unique,  
17 and, you know, each failure to file on time is a  
18 separate violation.

19 But one of these, a loan from a  
20 candidate to his committee, seems to me, although it  
21 has to be disclosed, there's no urgency, because the  
22 urgency of disclosure of large contributions prior  
23 to an election is to see what special interests are  
24 supporting you so you can cast an informed vote.

1                   To me, a candidate loaning  
2   himself money doesn't have that kind of emergency or  
3   gravity, and if part of your defense is that the  
4   person who was supposed to file these reports is not  
5   computer skilled -- you know, like me, I'm  
6   technologically challenged, I probably wouldn't be  
7   able to file it either -- and there's been an  
8   attempt made to at least fax or to file it, to fax a  
9   report and to stick one between the doors after  
10  closing hours, it winds up being a day late and you  
11  file electronically later on when you get it back to  
12  your accountant or whoever has been doing the  
13  successful filings, you know, I really don't see  
14  this as any intent to circumvent the statute here,  
15  any intent not to disclose.

16                   You know, I think this fine  
17  might be a little excessive in that regard,  
18  especially when we're talking about a violation  
19  where the candidate loaned money to himself.

20                   In the past, we've given  
21  committees a pass where they've had problems with  
22  their first electronic filings, although, as  
23  Mr. Cahnman explained, other electronic filings have  
24  been successful because he had computer-skilled

1 people doing the filings.

2 We have something we're going to  
3 take up later on about mandatory training for  
4 treasurers of committees, you know, so in this case  
5 I think, you know, we should show some leniency  
6 here. Although we can't call for settlements  
7 because it's an A-1 fine, I think especially in the  
8 second case of the loan to the candidate out of his  
9 own pocket, the loan to the committee, we should  
10 grant the appeal, and that will be my motion.

11 CHAIRMAN PORTER: Grant it.

12 And would that be any fine or no  
13 fine or what is your motion?

14 MEMBER MCGUFFAGE: Well, you know,  
15 they're two separate violations, and I think in this  
16 case, the hundred dollar fine should be paid, and  
17 the fine where the candidate loaned money to himself  
18 but couldn't get the filing through on the computer  
19 but did, in fact, you know, fax and bring a report  
20 over physically, you know, even though we were  
21 closed shows substantial compliance.

22 CHAIRMAN PORTER: Is there a second  
23 to that motion?

24 MEMBER REDNOUR: Yes, I'll second

1 it.

2 CHAIRMAN PORTER: All right. It's

3 been moved and seconded.

4 Call the roll for the motion.

5 MS. GLAZIER: Mr. Brady?

6 MEMBER BRADY: No.

7 MS. GLAZIER: Mr. Keith?

8 MEMBER KEITH: No.

9 MS. GLAZIER: Mr. McGuffage?

10 MEMBER MCGUFFAGE: Yes.

11 MS. GLAZIER: Mrs. Rednour?

12 MEMBER REDNOUR: Yes.

13 MRS. GLAZIER: Mr. Smart?

14 MEMBER SMART: No.

15 MS. GLAZIER: Mr. Walters?

16 MEMBER WALTERS: No.

17 MRS. GLAZIER: Vice Chairman

18 Schneider?

19 VICE CHAIRMAN SCHNEIDER: No.

20 MS. GLAZIER: Chairman Porter?

21 CHAIRMAN PORTER: No.

22 Motion fails.

23 Any other motions?

24 MEMBER SMART: I move we accept the

1 recommendation of the hearing examiner and general  
2 counsel.

3 CHAIRMAN PORTER: All right. Second?

4 MEMBER BRADY: I second.

5 CHAIRMAN PORTER: Moved and seconded.

6 Call the roll.

7 MS. GLAZIER: Mr. Brady?

8 MEMBER BRADY: Aye.

9 MS. GLAZIER: Mr. Keith.

10 MEMBER KEITH: Aye.

11 MS. GLAZIER: Mr. McGuffage?

12 MEMBER MCGUFFAGE: No.

13 MS. GLAZIER: Mrs. Rednour?

14 MEMBER REDNOUR: Yes.

15 MS. GLAZIER: Mr. Smart?

16 MEMBER SMART: Yes.

17 MS. GLAZIER: Mr. Walters?

18 MEMBER WALTERS: Yes.

19 MS. GLAZIER: Vice Chairman

20 Schneider?

21 VICE CHAIRMAN SCHNEIDER: Yes.

22 MS. GLAZIER: Chairman Porter?

23 CHAIRMAN PORTER: Yes.

24 Motion carried.

IN THE MATTER OF:

vs.

Case No. \_\_\_\_\_  
Committee No. S 9283  
Hearing Examiner Tony Morgando

To: Steven S. Sandvoss, General Counsel, State Board of Elections  
Rupert T. Borgsmiller, Director, Campaign Disclosure, State Board of Elections  
Tony Morgando, Hearing Examiner  
Burton S. Odelson, Attorney for Respondent

**PLEASE TAKE NOTICE** that, prior to 5:00 pm on October 3, 2007, I filed the attached **PROPOSED INTERVENOR'S MOTION FOR RECONSIDERATION OF THE HEARING EXAMINER'S ORDER DENYING INTERVENTION**, a copy of each of which is hereby served upon you by email and/or fax transmission.

Richard K. Means  
Attorney For Proposed Intervenor

Richard K. Means

ARDC Attorney #01874098

24 hour 7 day contact information:

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Facsimile: (708) 383-2987  
Cellular (312) 391-8808

**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

IN THE MATTER OF:

TONY PERAICA,

Complainant

vs.

FRIENDS OF TODD STROGER FOR THE  
PRESIDENT OF THE COOK COUNTY BOARD  
OF COMMISSIONERS,

Respondent

Case No. **07 CD 071**

Committee No. S 9283

Hearing Examiner James Tenuto

and

ILLINOIS STATE BOARD OF ELECTIONS,

Complainant

vs.

FRIENDS OF TODD STROGER FOR THE  
PRESIDENT OF THE COOK COUNTY BOARD  
OF COMMISSIONERS,

Respondent

Case No. **06 AG 072**

Committee No. S 9283

Hearing Examiner Tony Morgando

**MOTION TO CONSOLIDATE**

**NOW COMES** Tony Peraica, Complainant in case no. 07 CD 071 and Proposed Intervenor in case no. 06 AG 072, by and through his attorney, Richard K. Means, pursuant to administrative rule 125.115 (26 Ill. Adm. Code 125.115) moves to consolidate and join the above-captioned cases. In support of his Motion, Movant alleges as follows:

1. The essential factual allegations forming the basis of both cases are the same.
2. "In the interest of convenience, expeditious and complete determination of claims" the consolidation of these cases best serves the interests of the State Board and the parties. Specifically:
  - a. Case no. 06 AG 072 is a case before a non-lawyer hearing examiner in which no appearance was ever made by a lawyer for the Complainant but a vigorous defense was made by lawyers for the Respondent. Testimony and documentary evidence was offered

by Respondent and not cross-examined or otherwise tested by Complainant. In addition, the record in case no. 06 AG 072 is deficient in that relatively little evidence is in the record which would enable the State Board to determine whether the violations were inadvertent, merely negligent, unknowing, or unintentional or, by contrast, if the violations were deliberate, knowing and intentional. Such a determination would be essential to fix the appropriate level of the civil penalty enforced under 10 ILCS 5/9-10 (b-5).

- b. Case no. 07 CD 071 is a case before a lawyer hearing examiner in which appearances are expected to be made by experienced election lawyers for both sides. Testimony and documentary evidence is expected to be offered and cross-examined or otherwise tested by both sides. In addition, the Complainant will introduce detailed and abundant evidence which would enable the State Board to determine whether the violations were inadvertent, merely negligent, unknowing, or unintentional or, by contrast, if the violations were deliberate, knowing and intentional so that the Board will have a complete record upon which to determine the appropriate level of the civil penalty enforced under 10 ILCS 5/9-10 (b-5).

**WHEREFORE**, Tony Peraica's Motion To Consolidate should be granted.

Respectfully submitted,

Tony Peraica



by and through his attorney  
Richard K. Means

Richard K. Means

ARDC Attorney #01874098

24 hour 7 day contact information:

Email: [Rmeans@RichardMeans.com](mailto:Rmeans@RichardMeans.com)

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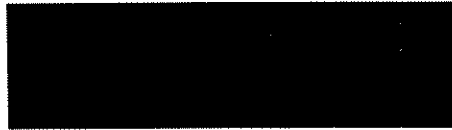
Cellular (312) 391-8808

October 3, 2007

**CERTIFICATION**

By signing my name below **I certify, on my oath, under the felony penalties of perjury** as provided by section 1-109 of the Illinois Code of Civil Procedure, that I have personal knowledge of the facts stated above, **that the facts set forth above are true and correct and that I believe that they are true.**

October 3, 2007



**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

IN THE MATTER OF:

TONY PERAICA, )  
Complainant )  
vs. )  
FRIENDS OF TODD STROGER FOR THE )  
PRESIDENT OF THE COOK COUNTY BOARD )  
OF COMMISSIONERS, )  
Respondent )

Case No. **07 CD 071**  
Committee No. S 9283  
Hearing Examiner James Tenuto

and

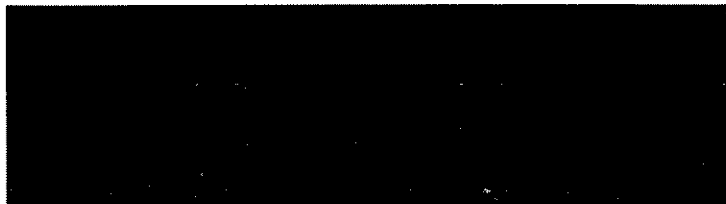
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
vs. )  
FRIENDS OF TODD STROGER FOR THE )  
PRESIDENT OF THE COOK COUNTY BOARD )  
OF COMMISSIONERS, )  
Respondent )

Case No. **06 AG 072**  
Committee No. S 9283  
Hearing Examiner Tony Morgando

**NOTICE OF FILING AND PROOF OF SERVICE**

To: Steven S. Sandvoss, General Counsel, State Board of Elections  
Rupert T. Borgsmiller, Director, Campaign Disclosure, State Board of Elections  
Tony Morgando, Hearing Examiner  
James Tenuto, Hearing Examiner  
Burton S. Odelson, Attorney for Respondent

**PLEASE TAKE NOTICE** that, prior to 5:00 pm on October 3, 2007, I filed the attached **MOTION TO CONSOLIDATE**, a copy of each of which is hereby served upon you by email and/or fax transmission.



Richard K. Means  
Attorney Tony Peraica

Richard K. Means

ARDC Attorney #01874098

24 hour 7 day contact information:

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**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

IN THE MATTER OF:	)	
	)	
ILLINOIS STATE BOARD OF ELECTIONS,	)	
Complainant	)	
v.	)	Board File No. 06 AG 072
	)	
FRIENDS OF TODD STROGER FOR THE	)	
PRESIDENT OF THE COOK COUNTY	)	
BOARD OF COMMISSIONERS,	)	
	)	
Respondent.	)	

**MOTION TO NOT ACCEPT THE RECOMMENDATION OF HEARING OFFICER AND  
NOT ASSESS CIVIL FINES**

NOW COMES Respondent, Friends of Todd Stroger for the President of the Cook County Board of Commissioners, (Committee), by and through its attorney, Burton S. Odelson of Odelson & Sterk, Ltd., and respectfully requests that the recommendation of the Hearing Officer not be followed and that no civil fines be assessed against the Committee, except as stipulated.

**I.**

**INTRODUCTION**

Todd Stroger's political committee for his candidacy for President of the Cook County Board received over **968** reported contributions from early October, 2006 up to the November 7<sup>th</sup> election. Not counted in this number are the many checks that were returned through the vetting process. Over **326** reports were made on the Schedule A-1 forms from October 11<sup>th</sup> through November 6, 2006. It appears that due to the time it took the campaign staff to process, transport and vet checks prior to actual deposit and notice to the Treasurer that funds had been deposited, some late reporting occurred. These few late reports were due only to the volume of contributions and the careful scrutiny and

vetting system used by the campaign.

The candidate, Todd Stroger, and the campaign chairman, Barbara Jones Green, had nothing to do with the receipt, handling, processing, vetting or reporting of campaign contributions. The Treasurer, Freddrenna Lyle, was solely responsible for the above process. All checks were received and processed, in almost all cases, as described below.

This case presents many interesting and unique issues before the State Board of Elections, including a constitutional argument going to the very essence of the alleged violation. No new evidence is being presented to the Board, only a presentation of the arguments made before the Hearing Officer with the addition of the legal issue involving the constitutionality of Section 5/9-1.4 and 5/9-10(b-5) as those sections pertain to the appropriate campaign committee official “knowingly receiving” or “actually receiving” the contribution which must be reported.

## **II.**

### **INTAKE PROCEDURE FOR CONTRIBUTIONS**

The procedure used in receiving, processing, vetting, depositing, and giving notice to the campaign treasurer and campaign auditor of funds that were deposited and available for use by the campaign were as follows:

A. Most fundraisers were hosted and run by the Competence Group (campaign fund raisers and clearing house hired by Stroger campaign) and checks collected by this agency were held by their staff and forwarded to the campaign after being vetted. (See next section, III. Cook County Ethics Ordinance).

B. Checks received at Stroger campaign headquarters by support staff at the front desk were held at the campaign office until the Competence Group vetted checks;

C. Checks received by mail at Stroger headquarters or elsewhere and brought to campaign office were held at the campaign office until vetted by Competence Group;

D. The Campaign manager or other trusted staff person held the checks until given to the Competence Group;

E. The Competence Group did ethics vetting and directed Cook County employee and contractor's checks (which may violate the ethics ordinance of Cook County) be returned prior to being deposited;

F. Checks that were cleared to be deposited to the campaign were then hand carried by a staff person who would deposit the checks at the bank;

G. Deposit slips were tendered to the Treasurer (Freddrenna Lyle) after deposit by the staff person;

H. The Treasurer would inform the campaign that funds were cleared to be used after two days when checks cleared and would then also inform auditors to file the A-1 report.

### **III.**

#### **COOK COUNTY ETHICS ORDINANCE**

The Code of Ethical Conduct is found in Division 2 of the Cook County Code, Section 2-560 and is commonly referred to as the Cook County Ethics Ordinance. In order to insure the Committee, or a political donor, was not in violation of this Ordinance, checks were screened by the campaign fundraising group and returned if a question was raised as to a potential violation.

The Ethics Ordinance contains both criminal and civil sanctions and was taken under strict scrutiny by the Committee.

Section 2-602, "Fines" states that anyone found in violation of the Ethics Ordinance could be:

- (b) guilty of a business offense and subject to a fine of \$1,000 to \$5,000;
- (c) may be guilty of a Class A misdemeanor.

Section 2-574, entitled "Receiving and Soliciting Gifts and Favors", imposes a restrictive gift ban. Section 2-583 restricts political activity (including certain donations and activity) by County employees. Section 2-585 "Limitations of Contributions to Candidates and Elected Officials." severely limits contributions to candidates from any person who has done business with Cook County in the last four (4) years. This section:

- Does not allow contributions over \$1,500 to any candidate during a single election cycle from anyone doing business with the County or who has done business with the County in the preceding four years, or,
- Who is seeking to do business with the County.

Thus, the Committee took every effort not to accept donations from anyone that could be found to be in violation of the Cook County Ethics Ordinance.

#### **IV.**

#### **TREASURER'S KNOWLEDGE OF CONTRIBUTIONS**

The alleged violations largely fall into the following categories:

- A. All checks dated 10/30 or earlier and deposited on 10/31 by the Committee staff person who gave notice to Treasurer on Saturday, November 4<sup>th</sup> (39 alleged violations), by tendering the deposit slips to her;
- B. All checks dated 10/30, 10/31, 11/1 or prior, and deposited on 11/1 (Wednesday) by the Committee staffer who gave notice to the Treasurer on Saturday, November 4<sup>th</sup> (4 alleged violations), by tendering the deposit slips to her;
- C. Checks dated 11/3 or prior and deposited 11/3 by the Committee staffer who gave

notice to the Treasurer on November 6<sup>th</sup> (Monday) (25 alleged violations), by tendering the deposit slips to her;

D. Checks dated 11/4, 11/5, 11/6 and deposited 11/6 (Monday) and notice to Treasurer on November 9<sup>th</sup>, by tendering the deposit slips to her.

E. Miscellaneous (9 alleged violations as specified below).

<u>Amount</u>	<u>From</u>	<u>Date(D2)</u>	<u>Deposit</u>	<u>Notice to Treasurer</u>
\$1,000	Simon& Griseta	10/17	10/20 (Fri)	10/24(Tuesday)
\$750	LeRoy	10/19	10/20	10/24
\$1,000	Medly	10/16	10/20	10/24
\$1,000	Wilson	10/10	10/20	10/24
\$1,000	49 <sup>th</sup> Ward (Fagus)	10/16	10/20	10/24
\$25,000(loan)(p.100)	Claybourne	10/23	10/23 (Mon)	11/6
\$5,128 (p.113)(in kind) SEIU		10/25	--	after 11/7 election
\$2,485 (p.113)(in kind) SEIU		10/26/07	--	after 11/7 election
\$5,420 (p.113) (in kind) SEIU		10/27	--	after 11/7 election

The Treasurer would tender the deposit slips and list of contributions to the Committee's auditors, Bansley and Kiener LLP, to file Schedule A-1 forms and to gather information for future campaign reports to be filed by the auditors. The Treasurer would inform the campaign that funds were deposited and available to be spent after checks cleared (Treasurer would ask campaign to wait two business days for checks to clear).

## V.

### ARGUMENT

Article 9 of the Election Code governs the disclosure and reporting of campaign contributions. In short, the Election Code defines “contribution” as a “contribution” after having been **“knowingly received”** in connection with the election of any person to public office (10 ILCS 5/9-1.4) and **“actually received”** when the committee (in this case the Treasurer) actually receives it. (10 ILCS 5/9-10(b-5).

The Treasurer was the designated person in the Stroger for President campaign to receive the campaign contributions and report to the State Board of Elections. As stated above, the Treasurer had a specific process in place in order to minimize any ethical or statutory violations regarding accepting campaign contributions.

The campaign **“knowingly received”** or **“actually received”** funds only after the Treasurer “knowingly” had knowledge of the funds that had been vetted by the firm charged with that process. The Treasurer’s first “knowledge” would have been when the deposit slips and/or list of contributors were tendered to her by the staff of the campaign.

Thus, the contributions in the Stroger campaign were only “actually received” for the purposes of the Election Code, when the only authorized person (the Treasurer) received that knowledge from the campaign committee staff person. (There were 326 A-1 filings between October 11 and November 6, 2006 that are not being contested. Only the 68 that are found in the Complaint are in question herein.)

Other occasions as listed in the violation notice revealed that the dates reported by the auditors

in the D2 report was the date of the check and/or the date of deposit by the staff person from the campaign. Of the 68 alleged violations, the majority are dated October 30<sup>th</sup> in the D2 report (39), but deposited on October 31<sup>st</sup> with notice to the Treasurer on November 4<sup>th</sup> (Saturday). The second largest category are dated November 3<sup>rd</sup> in the D2 report (25), actually deposited on November 3<sup>rd</sup> (Friday) with notice to the Treasurer on November 6<sup>th</sup> (Monday). There are four (4) allegations of contributions dated November 1<sup>st</sup> in the D2 report, which were deposited on November 1<sup>st</sup> (Wednesday) and reported to the Treasurer on November 4<sup>th</sup> (Saturday).

Of the remaining nine allegations, it appears the dates of October 17, 19, 16, 10, and 16 contributions were deposited on October 20<sup>th</sup> with notice to the Treasurer on October 23<sup>rd</sup> and thus in violation of the two day reporting requirement. The October 23<sup>rd</sup> "Clayborne loan" was deposited on October 23<sup>rd</sup>, but not reported to the Treasurer until November 6<sup>th</sup>. The final three allegations of "in-kind" contributions dated October 25, 26, and 27 were not reported by the Committee to the Treasurer until November 9, 2006, after the election.

## VI.

### CONSTITUTIONAL VAGUENESS

A law is unconstitutionally vague if it does not give an individual of ordinary intelligence fair notice that this contemplated conduct is forbidden by that law. In the present case, Section 5/9-1.4(1) and 5/9-10(b-5) are unconstitutionally vague. Section 5/9-1.4(1) defines a contribution to mean anything of value "**knowingly received** in connection . . . with election matters." Section 5/9-10(b-5) defines a contribution as being received on the date the political committee "**actually receives it...**" The statute does not define what it means to "**knowingly receive**," or to "**actually receive**" a contribution. The statute also requires individuals to determine the intent of the donor. This potentially

makes one person accountable for the activities of another.

This renders the statute unconstitutionally vague. We understand that this Board has no authority to render a judicial opinion. The purpose of this declaration is to make it clear that we are not waiving any constitutional objections to the statutory structure and proceeding. However, the Board may take these constitutional vagueness problems into account when it considers the facts and circumstances of the entire process as outlined below.

## VII

### BOARD OPTIONS AND DIRECTION OF THE ELECTION CODE

The Board does not have to impose a civil penalty. The Election Code speaks in clearly permissive, and not mandatory language when dealing with fines. (“...The Board “may” impose fines for violations . . . when a fine is imposed it shall not be less than 10% of the total amount of the contributions that were untimely reported.) 10 ILCS 5/9-10(b-5) Further, Title 26, Subpart D (Final Orders) Section 125.425(e)(5)(A) allows the Board to grant the appeal; deny the appeal and assess a penalty; and determine a violation occurred, but decline to assess a penalty.

The factors the statute (5/9-10(b-5) mandates (this time in mandatory language) are that the Board shall consider the following:

- (1) ... in the Board’s opinion was a violation committed inadvertently, negligently, knowingly, or intentionally.
  - (2) number of days late.
  - (3) past violation of 9-3 and 9-10 of the Election Code.
- (Also provided in Rule 125.425 (c)(5)(B))

There were no past violations by the committee. The items not reported in a timely fashion were only a few days late. Any delay was occasioned by the volume of contributions combined with

the desire of the committee to vet contributions and audit in an orderly fashion. Any violation was unquestionably inadvertent and, at worst, negligently committed in the course of being careful in a high profile campaign which involved another important ethics ordinance. There is no evidence or proof of any knowing or intentional conduct in an attempt to avoid or misapply the disclosure laws as required by the State of Illinois.

This is a campaign that received 968 contributions within approximately one month prior to the campaign; filed A-1 disclosures 326 times; and reported all contributions on its semi-annual D-2 report. The Committee respectfully asks this Board to not follow the recommendation of the Hearing Officer and find no violation of the A-1 reporting requirements (except as stipulated), or, in the alternative, recommend minimal penalties on only those items clearly in violation of the statute, as stipulated.

## **VIII.**

### **CONCLUSION**

The Stroger campaign received approximately 968 separate contributions that it deposited and used for campaign purposes during the six weeks prior to the election. Approximately 326 contributions were reported on the A-1 Schedule as required by the Election Code. Another 39 (10/30 alleged violations) and 25 (11/3 alleged violations) and 4 (11/1 alleged violations) were reported to the Treasurer and duly reported on the D-2 semi-annual report. The obvious violations were the October 20<sup>th</sup> deposits of checks dated October 17, 19, 16, 10 and 16 with notice to the Treasurer on October 23, 2006 and admitted by the Respondent Committee not to have been timely reported.

The real problem with the statute and instruction as to the time line to report an A-1 contribution is in the lack of a definition and direction as to when "the clock starts ticking."

There is no definition or direction in the entire Election Code as to when a contribution is "actually received" or "knowingly received."

There is no rule or definition as to these terms in the Board's Rules and Regulations.

There is no direction, definition, guideline or rule in Title 26.

There are no reported cases in the State of Illinois -- or for that matter any jurisdiction in the United States that defines or gives guidance as to when a contribution is "knowingly received" or "actually received".

The Committee made more than "a good faith effort" to comply with the Cook County ordinance and the statutory requirements in the Election Code. There should be no civil assessment in this cause, except as stipulated.

Respectfully submitted,

Friends of Todd Stroger for the President of  
the Cook County Board of Commissioners

By: \_\_\_\_\_  
Burton S. Odelson

Burton S. Odelson  
ODELSON & STERK, LTD.  
3318 W. 95<sup>th</sup> Street  
Evergreen Park, Illinois 60805  
708/424-5678



ALL  
7

OCT 23 2007

PM

10:11:28;4/5/6

3319 WEST 95TH STREET  
EVERGREEN PARK, IL 60065  
(708) 424-5375  
FAX (708) 425-1695  
www.odellsonsterk.com

October 23, 2007

Chairman Porter and  
Board Members  
Illinois State Board of Elections  
James R. Thompson Center  
100 W. Randolph, Suite 14-100  
Chicago, Illinois 60601

Re: Illinois State Board of Elections v. Friends for Todd Stroger for President of the  
Cook County Board of Commissioners  
Case No. 06 AG 072

Dear Chairman Porter and Board Members:

As you know, I represent the Todd H. Stroger for President of Cook County Board Committee. At your October 15, 2007 meeting, a number of votes were taken relative to the recommendation of hearing examiner Morgando. All motions failed, including a motion to adopt his recommendations and a motion to impose a compromised civil penalty. That should have concluded this matter, as has been the case in other matters before the Board where five (5) votes were not in the affirmative to take action. (Especially, since member Brady has recused himself from this Complaint)

I (however, for some unknown reason, (perhaps because you had a lot more to do at your meeting) the Board continued this matter to the November meeting. I believe this matters is over. The Board made its votes: the recommendation was not affirmatively approved with five (5) votes: the compromise was not approved either. To bring this back is not fair, or procedurally correct. What is the Board to do -- keep voting until someone is worn down and changes his or her vote?

The case was presented by your staff with recommendations to your Board. The Committee was given a very fair opportunity to present its case. Votes were taken and no motion received the required five (5) votes. As has been the case in matters before the Board in the past, this case should be over.

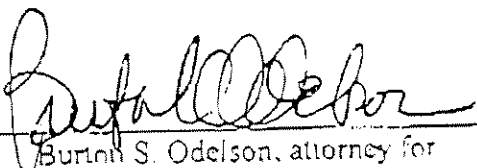
No other recommendations will be forthcoming from your staff. No other evidence or argument will be presented by the Committee. No more votes should be taken by the Board.



I respectfully request this item be taken off the agenda, or otherwise disposed of in accordance with the law. Thank you for the past courtesy afforded me in presenting my case.

Respectfully,

ODELSON & STERK, LTD.

By:   
Burton S. Odelson, attorney for  
Todd H. Stroger for President of  
the Cook County Board Committee

BSO/ps  
cc: Dan White  
Steve Sandvoss

STATE OF ILLINOIS  
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections

**Complainant**

v.

07 AE 019

Friends of Charlotte R Moore

L 1921

**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment For Failing to File  
A Schedule A-1 for the 2007 Consolidated Election

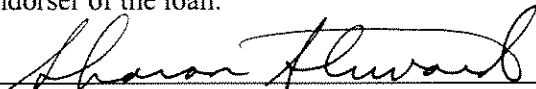
This Committee received one contribution of \$900 on 4/10/07, but failed to list it on a Schedule A-1. The total assessment is \$900.

Charlotte R. Moore, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Ms. Moore stated that the monies were for overdraft protection and not contributions to the campaign. Each time checks were written, the banks cover the checks. She reported the monies as receipts and loans, and with the help and direction from the Board on the last report filed for June 30, 2007, she was able to amend the reports showing all loans as paid in full. It is her understanding that A-1 reports are required for contributions and not loans.

One question which arises is whether or not monies deposited into a committee account resulting from an overdraft protection agreement are loans to be reported by the Committee. These funds represent an advance from the bank resulting from some prior agreement with the bank; the assumption is made that these monies are to be repaid; these funds are not existing committee funds which are just being transferred; and interest is charged to the Committee by the bank which accrues until such time as the money is repaid. I believe that to exempt this type of transaction from A-1 reporting could result in abuse. Therefore, I believe that such advances do constitute loans to the Committee.

In her affidavit, Ms. Moore does state that she believes this was a loan. On the semi-annual report, Ms. Moore reported a loan from Regions Bank, but she failed to include the endorser of that loan, which is required by law. According to the bank statement she provided in which her name appeared on the Committee account, one can assume that the endorser was Ms. Moore. Ms. Moore believed that loans were not subject to A-1 reporting, which is incorrect. Despite this, in order to be consistent with previous Board decisions if a candidate is responsible for a loan to his Committee, the appeal has been granted the first time, but the candidate is advised that this defense will not be accepted again. Therefore, I recommend that the appeal be granted. I further recommend that the Committee amend this report within 30 days to reflect the endorser of the loan.



Sharon Steward – Hearing Officer  
October 3, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

Friends of Chalotte R Moore  
POB 935  
Edgemont, IL 62203

L1921

Dear Friends of Chalotte R Moore;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Regions Bank	4/10/07	\$900.00	\$900.00	*not filed	

The committee is fined a **total** of \$900.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.


Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$90.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. If your committee has no other civil penalty assessments and only one delinquent Schedule A-1 amount is listed above, the penalty will be **stayed** as a first violation and would only become due and owing upon any subsequent delinquent filings by the committee.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the mailing of this assessment for it to be considered.

Part IV

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

\* This contribution was reported on the June 2007 Semi-annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

\*\* This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois )  
County of St. Clair )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. )  
Friends of Charlotte R. Moore )  
Respondent(s). )

Case No. 07AE019

APPEAL AFFIDAVIT

I, Charlotte R. Moore, the \_\_\_\_\_ of the  
(Name) (Chairman/Treasurer)  
Friends Of Charlotte R. Moore  
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

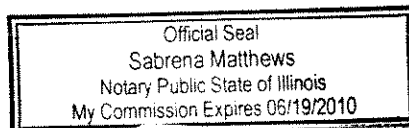
Please find attached documentation were the monies were for overdraft  
protection and not contributions to the campaign. Each time checks  
were written, the banks cover the checks. I reported the monies as  
receipts and loans and with the help and direction from the Board  
on the last report filed for June 30, 2007, I was able to amend the

Signed and Sworn to by:

Sabrina Matthews  
before me this 10<sup>th</sup> Day of  
September, 2007

Charlotte R. Moore  
(Signature of Chairman/Treasurer)

Notary Public



State of Illinois

County of St Clair

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF;

ILLINOIS STATE BOARD OF ELECTIONS,  
Complainant

Vs.

Friends of Charlotte Moore  
Respondent(s).

Case No. \_\_\_\_\_

WAIVER OF APPEARANCE

I, Charlotte Moore, the \_\_\_\_\_ of the  
(Name) (Chairman/Treasurer)  
Friends of Charlotte Moore  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

Charlotte Moore  
(Signature of Chairman/Treasurer)



Checking Accounts  
PO Box 2527  
Mobile, AL 36622-2527

## NOTICE OF PREMIUM LINE ADVANCE

04/10/2007



00029389 01 AT 0.308 001  
CHARLOTTE R MOORE  
FRIENDS OF CHARLOTTE MOORE  
PO BOX 935  
E SAINT LOUIS IL 62203-0935

A transaction(s) in your checking account shown below caused us to advance funds from your Premium Line of Credit.

Account number	006900235737
Premium Line beginning balance	\$ .00
Advance(s)	900.00
Advance fee	.00
Funds remaining to be advanced	100.00
Checking account balance	97.85

The activity above does not include other finance charges, service charges, maintenance fees, interest, payments/credits or other activity which occurred on this business date.

Thank you for banking with us.

REGIONAL

Checking Accounts  
PO Box 2527  
Mobile, AL 36622-2527

# NOTICE OF PREMIUM LINE ADVANCE

04/13/2007



00033914 01 AT 0.308 001  
CHARLOTTE R MOORE  
FRIENDS OF CHARLOTTE MOORE  
PO BOX 935  
E SAINT LOUIS IL 62203-0935

A transaction(s) in your checking account shown below caused us to advance funds from your Premium Line of Credit.

Account number	006900235737
Premium Line beginning balance	\$ .00
Advance(s)	100.00
Advance fee	.00
Funds remaining to be advanced	900.00
Checking account balance	11.41

The activity above does not include other finance charges, service charges, maintenance fees, interest, payments/credits or other activity which occurred on this business date.

Thank you for banking with us.

REGIONS

P O BOX 2527  
MOBILE AL 36622-2527

00020855 01 AV 0.293 001



CHARLOTTE R MOORE  
FRIENDS OF CHARLOTTE MOORE  
PO BOX 935  
E SAINT LOUIS IL 62203-0935

BANK USE ONLY  
379 22 22 6611

ACCOUNT NUMBER  
69-0023-5737

CLOSING DATE  
04/23/2007

PAGE 1 OF 4

EVERYDAY CONFIDENCE

## REGIONS FREE CHECKING

BEGINNING BALANCE	+	DEPOSITS & OTHER CREDITS	-	CHECKS PAID & OTHER DEBITS	-	ACCOUNT CHARGES	=	ENDING BALANCE
122.96		5,275.00		5,317.98		.00		79.98

DATE PAID	DESCRIPTION	AMOUNT	BALANCE	DATE PAID	DESCRIPTION	AMOUNT	BALANCE
3/22	BEGINNING BALANCE		122.96	04/10	CHECK # 911	2,100.00-	
3/23	ALC DEPOSIT	1,000.00+			CHECK # 912	900.00-	
	CHECK # 889	132.84-	990.12		CHECK # 910	100.00-	
3/26	CHECK # 895	150.00-	840.12		CHECK # 909	100.00-	
3/27	CHECK # 894	84.88-			CHECK # 893	10.00-	
	CHECK # 899	50.00-	705.24		PREM LINE ADVANCE	600.00+	
3/28	DEPOSIT	200.00+			PREM LINE ADVANCE	100.00+	
	CHECK # 897	80.00-			PREM LINE ADVANCE	100.00+	97.8
	CHECK # 898	40.43-	784.81	04/11	DEPOSIT	400.00+	
3/30	DEPOSIT	25.00+	809.81		DEPOSIT	200.00+	
4/02	DEPOSIT	400.00+	1,209.81		CHECK # 908	51.44-	646.4
4/03	ALC DEPOSIT	750.00+		04/12	DEPOSIT	300.00+	
	CHECK # 902	76.63-			CHECK # 3543168	600.00-	
	CHECK # 900	50.00-			EXT PREMIUM LINE PAYMENT	600.00+	346.4
	CHECK # 901	50.00-		04/13	CHECK # 56976	300.00-	
	CHECK # 905	25.00-			PREM LINE ADVANCE	100.00+	
	EFT 903 BELLIL	41.33-	1,716.85		CHECKPAYMT0904	75.00-	
	CONOCO 32				AMERICAN EXPRESS		
4/04	CHECK # 906	39.00-	1,677.85		CHECK # 913	60.00-	11.4
4/05	DEPOSIT	200.00+	1,877.85		EXT PREMIUM LINE PAYMENT	300.00+	111.4
4/06	DEPOSIT	300.00+	2,177.85	04/17	DEPOSIT	100.00+	
4/09	DEPOSIT	300.00+		04/18	DEPOSIT	100.00+	
	CHECK # 907	70.00-	2,407.85		EFT 921 BELLIL	30.10-	181.4
					CONOCO 32		
				04/19	CHECK # 58189	100.00-	
					EXT PREMIUM LINE PAYMENT	100.00+	81.4
				04/23	AUTO PREM LINE PMT	1.33-	79.9

PLEASE EXAMINE AT ONCE. IF NO ERROR IS REPORTED WITHIN 30 DAYS OF THE CLOSING DATE, THE ACCOUNT WILL BE CONSIDERED CORRECT. PLEASE ADVISE AT ONCE OF ANY CHANGE IN YOUR ADDRESS.

**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections

**Complainant**

v.

**07 AE 025**

11<sup>th</sup> Ward Democratic Party Campaign Comm      S 787

**Respondent**

**REPORT OF HEARING EXAMINER**

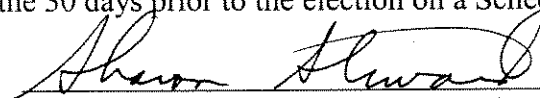
Appeal of Civil Penalty Assessment for Failing to File  
Schedule A-1 Reports for the 2007 Consolidated Election

This Committee received 6 contributions of more than \$500 during the 30 days prior to the 2007 Consolidated Election, but failed to list them on a Schedule A-1. The total assessment is \$6400.

John P. Daley, the Chairman of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Daley stated that this Committee did not participate in the April 17, 2007 Consolidated Election. The Committee filed a pre-election report for this election showing no activity. The Committee should have filed a non-participation report for this election as it did not support any candidates in this election. A review of the semi-annual Form D-2 for the period ending June 30, 2007, will confirm this statement. The Committee has filed an amended pre-election report for this election indicating that it was not participating in the election. The monies received during this period were for a reception that was held on May 8, 2007.

After reviewing this Affidavit as well as the reports filed by the Committee, I recommend that this Appeal be granted, as this Committee met the requirements set forth in Section 100.70(d) of Board Rules and Regulations establishing itself in this election as a nonparticipating political committee, and as such, is not required to report contributions of more than \$500 received during the 30 days prior to the election on a Schedule A-1 form.



Sharon Steward – Hearing Officer  
October 10, 2007

CHICAGO

07 OCT -4 AM 11:42  
STATE BOARD OF ELECTIONS

State of Illinois )  
County of Cook )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
vs. )  
11th Ward Democratic Party Campaign Committee )  
Respondent(s). )

No. 07AE025

APPEAL AFFIDAVIT

I, John P. Daley, the Chairman of the  
(Name) (Chairman/Treasurer)  
11th Ward Democratic Party Campaign Committee  
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

The above named committee respectfully requests that the fines assessed for not filing Schedule A-1's in a timely manner be abated as the Committee did not participate in the April 17, 2007 Consolidated Election. The Committee filed a pre-election report for this election showing no activity. The Committee should have filed a non-participation report for this election as it did not support any candidates in this election. A review of the semi-annual Form D-2 for the period ended June 30, 2007 will confirm this statement. The Committee has filed an amended pre-election report for this election indicating that it was not participating in the election. The monies received during this period were for a reception that was held on May 8, 2007.

Subscribed and Sworn to Before me  
This 3rd Day Of October, 2007

Sharon Naudziunas  
NOTARY PUBLIC

John P. Daley  
(Signature of Chairman/Treasurer)



State of Illinois )  
 )  
County of Cook )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS


IN THE MATTER OF; )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
 )  
vs. )  
11th Ward Democratic Party Campaign Committee )  
Respondent(s). )

No. \_\_\_\_\_

WAIVER OF APPEARANCE

I, John P. Daley, the Chairman of the  
(Name) (Chairman/Treasurer)  
11th Ward Democratic Party Campaign Committee  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

  
(Signature of Chairman/Treasurer)

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

11th Ward Democratic Party Campaign Cmte  
John Daley  
3659 S Halsted  
Chicago, IL 60609

S787

Dear 11th Ward Democratic Party Campaign Cmte;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Chicago Community Bank	4/12/07	\$600.00	\$600.00	*not filed	
Timothy Degan	4/11/07	\$1000.00	\$1000.00	*not filed	
Divane Bros Electric Co	4/12/07	\$1500.00	\$1500.00	*not filed	
Markham Project	4/11/07	\$600.00	\$600.00	*not filed	
Mark O'Malley	4/11/07	\$2100.00	\$2100.00	*not filed	
Heat & Frost Insulators Loc. 17 Pac	4/11/07	\$600.00	\$600.00	*not filed	

The committee is fined a **total** of \$6400.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

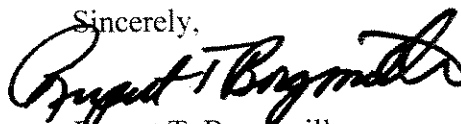
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$640.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the mailing of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

\* This contribution was reported on the June 2007 Semi-annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

\*\* This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

STATE OF ILLINOIS  
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections  
**Complainant**

Vs.

07 CE 061

Committee to Elect Johnson  
**Respondent**

S7853

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment for the Failure to File the  
April 2007 Pre-Election Election Report

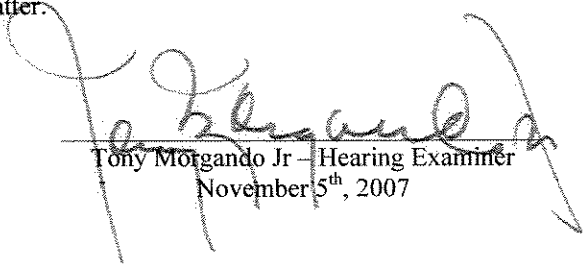
According to the Illinois State Board of Elections Disclosure Division, it received a Non-Participation Report for the 2007 Consolidation Election from the Committee to Elect Johnson on March 26<sup>th</sup>, 2007. Unfortunately, a review of the political committee's June 2007 Semi-Annual Report, reflects a \$750.00 contribution, made to Mr. Ron Nunes, a candidate for Elk Grove Park District, dated April 4<sup>th</sup>, 2007. Statute provides that a "committee which, having filed a Statement of Non-Participation, makes a subsequent contribution to a candidate who will appear on the ballot at the next election shall file a Pre-Election Report within five days after making such contributions", RR 100.70(d). A civil penalty in the amount of \$2,200.00 has therefore been assessed, based on the number of business days (11) between the due date of the Report and the date of the Election. However, a review of the documents indicates that the civil penalty should have been \$500.00. I made this determination based on the fact that the committee filed a timely Statement of Non-Participation on March 26, 2007 for the April 2007 Consolidated Election. Thus, the committee did not participate in this election until the contribution made on April 4, 2007. The Pre-election report should have been filed within 5 days, or no later than April 9, 2007. Since the report would have been less than 10 days late, as a first violation of a Pre-election report, the civil penalty assessment should have been \$500.00 pursuant to 10 ILCS 5/9-10(b).

Ms. Lorrie Jo Johnson, Treasurer, filed a Request for Hearing and Appeal Affidavit, on October 2<sup>nd</sup>, 2007, indicating on a Sworn Statement: "As I have done in the past, I called the State Board of Elections as to what filing, if any, was necessary for the contribution in question. I was advised that since Mr. Johnson was not running for office, a Non-participation Report was sufficient. I relied on the information

Hearing in this matter was set for Thursday, October 25<sup>th</sup>, 2007, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 9:00 a.m.

Ms. Lorrie Jo Johnson, Treasurer, Mr. Craig B. Johnson, Candidate, and Mr. George B. Knickerbocker, counsel, appeared on behalf of the political committee. Ms. Johnson stated the political committee filed Non-Participation Reports for the February, 2007 Consolidated Primary and the April 2007 Consolidated Election. Ms. Johnson indicated that once a donation was made to Mr. Ron Nunes, she contacted the State Board of Elections office to inquire if such transaction altered her filing status. It is Ms. Johnson's contention that she was advised that since Mr. Craig Johnson would not be appearing on the ballot, the donation to Mr. Nunes campaign would not require an amended report to be filed. Ms. Johnson indicated her tenure as treasurer for the political committee since its inception, September 4<sup>th</sup>, 1996, in which time no fines have been assessed for any violations of the statute.

Following the conduct of the appeal hearing, the Examiner had discussions with staff of the State Board of Elections concerning this matter. The Hearing Examiner was able to identify clerical staff that expressed an opinion consistent with that rendered Ms. Johnson. The Hearing Examiner feels reasonable grounds exist that a misinterpretation of Rule & Regulation 100.70(d) was inadvertently expressed to the political committee. Therefore, it is the recommendation of the Hearing Examiner that the appeal be granted in this matter.

  
Tony Morgando Jr - Hearing Examiner  
November 5<sup>th</sup>, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

Committee to Elect Johnson  
Nanci Vanderweel  
215 Fleetwood Ln  
Elk Grove, IL 60007

S7853

Dear Committee to Elect Johnson;

A review of your committee records has indicated that the Non-Participation Report filed for the April 2007 Election should have in fact been a Pre-election Report. Section 100.70(d) of the Rules and Regulations reads as follows:

*"A committee which, having filed a Statement of Non-Participation, makes a subsequent contribution to a candidate who will appear on the ballot at the next election shall file a Pre-Election Report within five days after making the contribution, or if the contribution is made during the five days immediately prior to the election, within 24 hours after making the contribution."*

The June 2007 Semi-Annual Report filed on behalf of this committee, covering the first half of 2007 lists the following contributions to candidates who appeared on the ballot at the April 2007 Consolidated Election.

Candidate Name	Date of Contribution	Amt of Contribution
Ron Nunes	4/4/2007	\$750.00

Consequently, this committee is deemed to have participated in this Election, and was therefore not eligible to file a Non-Participation Statement, but instead, should have filed a Pre-Election Report. Pursuant to Rule 100.70(d), this Report should have been filed no later than five business days following the issuance of the above referenced contribution. A civil penalty in the amount of **\$2200.00** has therefore been assessed, based on the number of business days (11) between the due date of the Report and the date of the Election.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30-day period, you forfeit the right to contest this assessment.

Since this is a first time violation, the assessed civil penalty will be *stayed*. Any subsequent violation of any provision of Article 9 of the Election Code or of a Board Order shall result in the assessment of an additional penalty as provided in Section 125.425 of the Rules and Regulations governing the State Board of Elections, with that civil penalty and any previously assessed penalty to be paid within 30 days. Therefore, you need not pay this assessed civil penalty unless another violation occurs.

If you have questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

A handwritten signature in black ink, appearing to read "Rupert T. Borgsmiller".

Rupert T. Borgsmiller

Director, Campaign Disclosure

RTB:sm

Enclosure(s): appeal packet

State of Illinois )  
 )  
County of Cook )

**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

IN THE MATTER OF; )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
 )  
Complainant )  
 )  
v. )  
 )  
COMMITTEE TO ELECT JOHNSON )  
 )  
Respondent. )

Case No. *07CE061*

**APPEAL AFFIDAVIT**

I **LORRIE JO JOHNSON**, the Treasurer of the **COMMITTEE TO ELECT JOHNSON** Committee, first being duly sworn deposes and states that she represents that the said Committee can offer a good reason or defense to the assessment of a Civil Penalty in this matter, and that such reasons and defenses are:

As I have done in the past, I called the State Board of Elections as to what filing, if any, was necessary for the contribution in question. I was advised that since Mr. Johnson was not running for office, a Non-participation Report was sufficient. I relied on the information provided me by staff.


  
Lorrie Jo Johnson, Treasurer

Signed and Sworn to by:

*LORRIE JO JOHNSON*

Before me this *28* day of

*SEPTEMBER*, 2007

  
Notary Public




[illegible]

**BEFORE THE STATE BOARD OF ELECTIONS**  
**OF THE STATE OF ILLINOIS**

IN THE MATTER OF; )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
 )  
Complainant )  
 )  
v. ) Case No.  
 )  
COMMITTEE TO ELECT JOHNSON )  
 )  
Respondent. )

## REQUEST FOR HEARING

I, **LORRIE JO JOHNSON**, the Treasurer of the **COMMITTEE TO ELECT JOHNSON** Committee, appeals on behalf of the said Committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying Affidavit. The said Committee requests a Public Hearing at which it will appear to offer reasons and defenses why the proposed assessment should not be imposed.

  
Lorrie Jo Johnson, Treasurer

State of Illinois                    )  
  )  
County of Cook                    )

**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

**IN THE MATTER OF;**

**ILLINOIS STATE BOARD OF ELECTIONS,**

**Case No.**

**Complainant**

**v.**

**COMMITTEE TO ELECT JOHNSON**

**Respondent.**

**APPEARANCE**

I, **GEORGE B. KNICKERBOCKER**, hereby enter my Appearance, as Attorney  
for the **COMMITTEE TO ELECT JOHNSON**, in the above-entitled matter.

  
\_\_\_\_\_  
George B. Knickerbocker

Attorney No. 26082  
George B. Knickerbocker  
901 Wellington Avenue  
Elk Grove Village, IL 60007  
(847) 357-4030  
(847) 357-4044 Fax

STATE OF ILLINOIS       )  
                                  )  
COUNTY OF COOK        )

SS

**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

**In the Matter of:**

Illinois State Board of Elections

Complainant(s)

**Vs.**

Committee to Elect Johnson

Respondent(s)

Board File No. 07 CE 061

**NOTICE OF APPEAL HEARING**

TO: Committee to Elect Johnson  
Lorrie Jo Johnson  
615 Meadow Ct  
Elk Grove Village, IL 60007

S7853

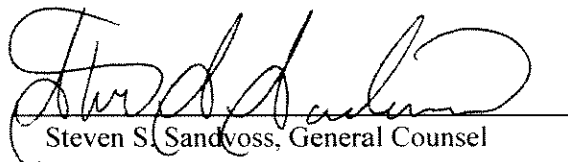
Please take notice that in accordance with Rule 125.425 (f), and by the power vested in me, the Appeal Hearing to be conducted in the above captioned matter is-set for October 25, 2007 at 9:00 A.M. at the State Board of Elections, 100 W Randolph, Suite 14-100, Chicago IL.

You are hereby notified that pursuant to the provisions of "An Act to Regulate Campaign Financing" (10 ILCS 5/9-1 et. seq.) and Rules and Regulations adopted pursuant thereto, the following person is hereby appointed Hearing Examiner to conduct the Appeal Hearing concerning the above-captioned matter.

NAME: Tony Morgando  
ADDRESS: 100 W Randolph, Suite 14-100  
CITY/STATE: Chicago, Illinois  
TELEPHONE: 312/814-6456

The parties have the right to be represented by legal counsel in any proceeding conducted by the State Board of Elections. Any party involved in any proceeding has the right to the presence and participation of additional persons, in addition to, or instead of an attorney, in order to provide technical assistance and consultation. Please contact the Hearing Examiner at the number listed above prior to the date of your hearing to confirm the date and time.

DATED: October 10, 2007

  
Steven S. Sandvoss, General Counsel

**STATE OF ILLINOIS  
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections  
**Complainant**

v.

**06 AG 097**

Friends of Dan Lewandowski      S-8800  
**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment for Failure to File Schedule A-1's  
For the November 7<sup>th</sup>, 2006 General Election

According to the political committee's December 2006 Semi Annual Report, it received three (3) in-kind contributions from the Illinois Senate Democratic Fund, in relation to the November 7<sup>th</sup>, 2006 General Election, during the Schedule A-1 filing period, October 9<sup>th</sup>, 2006 through and including November 6<sup>th</sup>, 2006, and failed to be reported as required by statute; \$3,531.48 dated October 30<sup>th</sup>, 2006, \$1,033.35 and \$1,665.68 dated October 31<sup>st</sup>, 2006. The political committee is fined an assessed civil penalty in the amount of \$6,230.51.

Ms. Susan Lewandowski, Treasurer, filed a Request for Hearing and Appeal Affidavit, on August 3<sup>rd</sup>, 2007, indicating in part: "The Committee incorrectly listed the date received of the three in-kind contributions as October 30 and October 31, 2006. October 30<sup>th</sup> and October 31<sup>st</sup> were the dates listed on the In-Kind Notification as the actual dates of the expenditures, not the dates that the notifications were received".

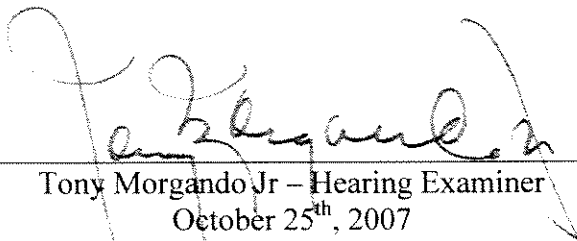
Attached to the Affidavit were copies of the three (3) In-Kind Notification Forms received by the political committee from the Illinois Senate Democratic Fund.

Hearing in this matter was originally set for Friday, September 7<sup>th</sup>, 2007, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 10:30 a.m. The hearing was subsequently continued to Tuesday, October 16<sup>th</sup>, 2006, at 10:30 a.m.

Ms. Ruth Andrews, data entry, Ms. Susan Lewandowski, Treasurer, Mr. Daniel A. Lewandowski, Candidate, and Mr. Courtney C. Nottage, counsel, appeared on behalf of the political committee. Mr. Nottage submitted Respondent(s) Exhibit #1, an Illinois State Board of Elections (hereafter referred to SBE) Committee Detail, indicating reports filed by the Friends of Dan Lewandowski; Respondent (s) Exhibit #2, an SBE A-1 List for the Friend of Lewandowski; and Respondent(s) Exhibit #3 and #4, In-Kind Contribution Notifications, filed by the Illinois Federation of Teachers COPE, dated 11/3/06.

These documents were submitted to the Hearing Examiner to demonstrate procedurally, (1) cash contributions required to be filed on Schedule A-1's, were filed immediately upon receipt of the donation, and, (2) In-Kind Contribution Notifications that were faxed to the political committee, Schedule A-1's were filed the same day as transmission. Ms. Lewandowski recalled receiving mail from Daniel Lewandowski after the election, which contained the In-Kind Notification Forms from the Illinois Senate Democratic Fund, which she indicated was a relief as the Schedule A-1 filing period had passed. Mr. Courtney C. Nottage, counsel, filed a sworn statement of Ms. Susan Lewandowski, addressing her recollection of mail receipt of the In-Kind Notifications, after the election.

After reviewing the documents in this matter, and discussions with the Respondent(s), it is the belief of the Hearing Examiner, that the political committee did not have knowledge of the three (3) In-Kind Contributions, until after the November 7<sup>th</sup>, 2006 General Election. It is the opinions of the Hearing Examiner that the in-kind contributions were disclosed as of the date services were rendered rather than date of notification. The political committee's subsequent filing of an amended December 2006 Semi-Annual Report corrects this discrepancy. Therefore it is the recommendation of the Hearing Examiner that the appeal be granted.



Tony Morgando Jr – Hearing Examiner  
October 25<sup>th</sup>, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



BOARD MEMBERS  
Jesse Smart, Chairman  
Wanda Rednour, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Albert Porter  
Bryan Schneider  
Robert Walters

EXECUTIVE DIRECTOR  
Daniel W. White  
July 9, 2007

Friends of Dan Lewandowski  
Susan Lewandowski  
2755 Crampton Ln  
Rockford, IL 61114

S8800

Dear Friends of Dan Lewandowski;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
IL Senate Democratic Fund	10/30/06	\$3531.48	\$3531.48	*not filed	4
IL Senate Democratic Fund	10/31/06	\$1033.35	\$1033.35	*not filed	3
IL Senate Democratic Fund	10/31/06	\$1665.68	\$1665.68	*not filed	3

The committee is fined a **total** of \$6230.51 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$624.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the mailing of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

\* This contribution was reported on the December 2006 Semi-Annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

\*\* This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

[illegible]

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF:

ILLINOIS STATE BOARD OF ELECTIONS,

Complainant,

vs.

FRIENDS OF DAN LEWANDOWSKI,

Respondent.

Case No. 06AG097

# APPEAL AFFIDAVIT

I, Susan Lewandowski, Treasurer for the Friends of Dan Lewandowski political committee ("Committee"), first being duly sworn depose and state that I represent that the said Committee and can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

1. The State Board of Elections asserts in its July 9, 2007 letter to the Committee that the Committee failed to file a Schedule A-1 report reflecting three separate in-kind contributions (\$3,531.48, \$1,033.35, and \$1,665.68) that it received from the Illinois Senate Democratic Fund ("ISDF") on October 30 and October 31, 2006 respectively.

2. The Committee understands that:

When dealing with in-kind contributions, determining the date of receipt can be a little trickier. The date of receipt is based on the date the recipient committee receives notification of the in-kind from the contributor. Contributors are required to provide that notification within five business days of making the contribution. The date of receipt is then considered to be two days after the notification is received, regardless of the date listed on the form.

*A Guide to Campaign Disclosure, State Board of Elections-State of Illinois, p. 14, June 2007.*

3. The Committee incorrectly listed the "date received" of the three in-kind contributions as October 30 and October 31, 2006. October 30th and October 31st were the dates listed on the In-Kind Notifications as the actual dates of the expenditures, not the dates that the notifications were received. (Copies of said notifications are attached hereto and incorporated herein as Group Exhibit A).

4. The Committee, however, is not certain when it actually received the notifications via the U.S. Postal System. If the Committee received the notifications on the fifth business day for each, that being – November 6th and November 7th, and then listed as the "date received" for the contributions two days after receiving the notifications, the A-1 filing period would have been closed as the election was held on November 7th. Thus, the Committee respectfully requests that the State Board of Elections reverse its finding that the Committee failed to file an A-1 report relative to the in-kind contributions in question, and not impose any fine. The Committee is prepared to amend its report to reflect a November 8th and November 9th date of receipt.

6. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

WHEREFORE, Respondent, Friends of Dan Lewandowski, respectfully requests that the State Board of Elections reverse its finding that Friends of Dan Lewandowski failed to file an A-1 report relative to ISDF's in-kind contributions, and not impose any fine.

Respectfully Submitted,

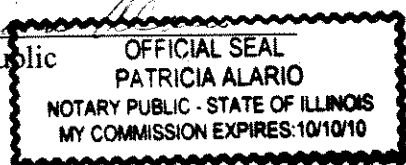
Susan Lewandowski  
Susan Lewandowski, Treasurer - Friends of Dan Lewandowski

Signed and Sworn to by:

Susan Lewandowski

before me this 2nd day of August, 2007.

Patricia Alario  
Notary Public



State of Illinois )  
 )  
County of Winnebago )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF: )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
 )  
Complainant, )  
 )  
vs. ) Case No.  
 )  
FRIENDS OF DAN LEWANDOWSKI, )  
 )  
Respondent. )

REQUEST FOR HEARING

I, Susan Lewandowski, the Treasurer for the Friends of Dan Lewandowski political committee ("Committee"), appeal on behalf of said Committee the assessment of civil penalty proposed in this matter and submit in support of that appeal the accompanying Appeal Affidavit. The said Committee requests a public hearing at which it will appear to offer reasons and defenses why the proposed assessment should not be imposed.

Susan Lewandowski  
Susan Lewandowski, Treasurer – Friends of Dan Lewandowski

CHICAGO

\*07 OCT 23 PM 8:40  
STATE BOARD OF ELECTIONS

State of Illinois       )  
                              )  
County of Cook        )

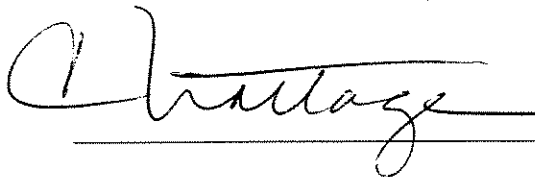
BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF:                                )  
  )  
ILLINOIS STATE BOARD OF ELECTIONS,        )  
  )  
                    Complainant,                )  
  )  
vs.   )  
  )  
FRIENDS OF DAN LEWANDOWSKI,                )  
  )  
                    Respondent.                 )

Board File No. 06 AG 097

NOTICE OF FILING

PLEASE TAKE NOTICE that on October 23, 2007, I filed with the State Board  
of Elections the attached Appeal Affidavit of Susan Lewandowski.

\_\_\_\_\_, Attorney for Respondent

Courtney C. Nottage  
111 West Washington Street, Suite 1100  
Chicago, IL 60602  
847.894.8807

State of Illinois       )  
                                  )  
County of Winnebago)

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF:	)	
	)	
ILLINOIS STATE BOARD OF ELECTIONS,	)	
	)	
Complainant,	)	
	)	
vs.	)	Case No.
	)	
FRIENDS OF DAN LEWANDOWSKI,	)	
	)	
Respondent.	)	

APPEAL AFFIDAVIT

I, Susan Lewandowski, Treasurer for the Friends of Dan Lewandowski political committee ("Committee"), first being duly sworn depose and state that I represent that the said Committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

1. The Committee is not certain when it actually received the in-kind contribution notifications in question from the Illinois Senate Democratic Fund ("ISDF") via the U.S. Postal System.

2. However, your Affiant can say with certainty that the notifications arrived after election day because when I saw the notifications I was relieved that it was no longer within 30 days or closer to the election so that the in-kind contributions did not have to be filed on a Schedule A-1.

3. On October 16, 2007, the Committee amended its D-2 Report (for the reporting period of 7/1/06 through 12/31/06) to reflect that the in-kind contributions in question were received after the election.

4. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

WHEREFORE, Respondent, Friends of Dan Lewandowski, respectfully requests that the State Board of Elections reverse its finding that Friends of Dan Lewandowski failed to file an A-1 report relative to ISDF's in-kind contributions, and not impose any fine.

Respectfully Submitted,

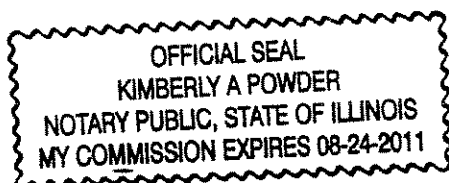
Susan Lewandowski  
Susan Lewandowski, Treasurer – Friends of Dan Lewandowski

Signed and Sworn to by:

Susan Lewandowski

before me this 19<sup>th</sup> day of October, 2007.

Kimberly A. Powder  
Notary Public



# **CAMPAIGN DISCLOSURE** **Illinois State Board of Elections**

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<b>Friends of Dan Lewandowski</b> Purpose: Promote the views and candidacy of Dan Lewandowski	
PO Box 6261 Rockford, IL 61125-1261	Active State 8800 Local 12457
Creation Date: 1/4/2005	

[Officers](#) [Previous Officers](#) [Candidates](#) [Propositions](#)

Report Type	Reporting Period	Filed	Pages	Clarification
D-2 Semiannual Report	1/1/2007 to 6/30/2007	7/16/2007 2:11 PM Filed electronically	2	
D-2 Semiannual Report (Amendment)	7/1/2006 to 12/31/2006	6/19/2007 3:30 PM Filed electronically	21	
D-1 Statement of Organization (Amendment)		4/2/2007 12:00 PM Filed on paper	2	
D-2 Non Participation Report	2007 CE	3/29/2007 12:01 PM Filed electronically	1	
D-2 Non Participation Report	2007 CP	2/13/2007 11:03 AM Filed electronically	1	Non participating candidate
D-2 Semiannual Report (Amendment)	7/1/2006 to 12/31/2006	2/13/2007 10:45 AM Filed electronically	24	
D-2 Semiannual Report	7/1/2006 to 12/31/2006	1/29/2007 11:50 AM Filed electronically	24	
A-1 (\$500+ 30 days prior)	2006 GE	11/6/2006 5:32 PM Filed electronically	2	
A-1 (\$500+ 30 days prior)	2006 GE	11/6/2006 11:32 AM Filed electronically	1	
A-1 (\$500+ 30 days prior)	2006 GE	11/3/2006 11:07 AM Filed electronically	1	
A-1 (\$500+ 30 days prior)	2006 GE	11/1/2006 10:55 AM Filed electronically	2	
A-1 (\$500+ 30 days prior)	2006 GE	10/30/2006 10:57 AM Filed electronically	1	
A-1 (\$500+ 30 days prior)	2006 GE	10/30/2006 10:57 AM Filed electronically	1	
A-1 (\$500+ 30 days prior)	2006 GE	10/25/2006 5:57 PM Filed electronically	1	
A-1 (\$500+ 30 days prior)	2006 GE	10/24/2006 8:00 PM Filed electronically	1	
A-1 (\$500+ 30 days prior)	2006 GE	10/24/2006 11:56 AM Filed electronically	1	
A-1 (\$500+ 30 days prior)	2006 GE	10/23/2006 11:45 AM Filed electronically	2	
D-2 Pre-election Report	2006 GE 7/1/2006 to 10/8/2006	10/23/2006 11:41 AM Filed electronically	5	
A-1 (\$500+ 30 days prior)	2006 GE	10/13/2006 4:12 PM Filed electronically	2	
D-2 Semiannual Report (Amendment)	1/1/2006 to 6/30/2006	8/25/2006 12:19 PM Filed electronically	11	
D-2 Semiannual Report (Amendment)	1/1/2006 to 6/30/2006	7/31/2006 4:58 PM Filed electronically	10	
D-2 Semiannual Report	1/1/2006 to 6/30/2006	7/31/2006 4:57 PM	10	

*Respondent 5  
Exhibit 1*

filed on 11-6-06 5:32 PM

# CAMPAIGN DISCLOSURE Illinois State Board of Elections

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## A1 List



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Friends of Dan Lewandowski

A-1 (\$500+ 30 days prior)

2006 GE

Contributed By	Address	Amount	Received By	Description
SupplyCore	303 N. Main Suite 800 Rockford, IL 61101	\$2,500.00	1A 11/6/2006 Friends of Dan Lewandowski	
Illinois Federation of Teachers COPE	700 S. College Springfield, IL 62704	\$160.00	5A 11/3/2006 Friends of Dan Lewandowski	campaign volunteering
Illinois Federation of Teachers COPE	700 S. College Springfield, IL 62704	\$492.72	5A 11/3/2006 Friends of Dan Lewandowski	campaign work

[ ] Records 1 to 3 of 3

[Return to Latest Reports Filed](#)

Respondent's  
Exhibit 2

FAXED  
11-3

## IN-KIND CONTRIBUTION NOTIFICATION

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

The contributor shall notify the committee of donated goods or services of more than \$50 within five (5) business days.

Do not send this form to the State Board of Elections or the County Clerk.

### Full Name, Mailing Address, and Zip Code

If the In-Kind was donated by an individual, and its value exceeded \$500, occupation & employer must be provided.

To: Friends of Dan Lewandowski  
P.O. Box 6261  
Rockford, IL 61125  
Fax: 815.489.9340

From: Illinois Federation of  
Teachers C.O.P.E.  
700 S. College St.  
Springfield, IL 62704  
Phone 217.544.8562  
Occupation & Employer (if applicable)

### In-Kind Contribution

Full Name, Mailing Address and Zip Code of Vendor (if applicable)	Date	Value
	Description	
	11/3/06	\$ 160,00
	Campaign volunteering (see attached)	

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.

Steve Preckwinkle  
Signature of Contributor

Respondent's  
Exhibit 3

Revised 5/12/00

FAXED  
11-3

## IN-KIND CONTRIBUTION NOTIFICATION

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

The contributor shall notify the committee of donated goods or services of more than \$50 within five (5) business days.

Do not send this form to the State Board of Elections or the County Clerk.

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To: Friends of Dan Lewandowski  
P.O. Box 6261  
Rockford, IL 61125  
Fax 815.489.9340

From: Illinois Federation of  
Teachers C.O.P.E.  
700 S. College St.  
Springfield, IL 62704  
217.544.8562  
Occupation & Employer (if applicable)

In-Kind Contribution

Full Name, Mailing Address and Zip Code of Vendor (if applicable)	Date	Value
Lenny Nieves IFT Field Service Director	11/3/06	\$ 492.72
	Description	
	Campaign work	

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.

Steve Preckwinkle  
Signature of Contributor

Respondent's  
Exhibit 4

Revised 5/12/00

**MEMORANDUM**

**TO:** Friends of Dan Lewandowski  
**FROM:** Illinois Senate Democratic Fund  
**RE:** In-Kind Contribution Notification

---

**IN-KIND CONTRIBUTION NOTIFICATION**

Full Name, Mailing Address and Zip Code of Vendor (if applicable)

**Department of CMS  
PO Box 10078  
Springfield, IL 62792**

Date

**10/30/2006**

Value

**\$3,531.48**

Description

**staff insurance premium**

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.



---

Signature of Contributor

**MEMORANDUM**

**TO: Friends of Dan Lewandowski**  
**FROM: Illinois Senate Democratic Fund**  
**RE: In-Kind Contribution Notification**

---

**IN-KIND CONTRIBUTION NOTIFICATION**

Full Name, Mailing Address and Zip Code of Vendor (if applicable)

**Bryen Johnson**  
**3721 Viking Road**  
**Springfield, IL 62712**

Date

**10/31/2006**

Value

**\$1,033.35**

Description

**payroll 10/16-31/06**

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.



---

Signature of Contributor

**MEMORANDUM**

**TO:** Friends of Dan Lewandowski  
**FROM:** Illinois Senate Democratic Fund  
**RE:** In-Kind Contribution Notification

---

**IN-KIND CONTRIBUTION NOTIFICATION**

Full Name, Mailing Address and Zip Code of Vendor (if applicable)

**Michael Wilson  
629 Bryn Mawr Blvd  
Springfield, IL 62703**

Date

**10/31/2006**

Value

**\$1,665.68**

Description

**payroll 10/16-31/06**

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.



---

Signature of Contributor

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

In the Matter of:

IL STATE BOARD OF ELECTIONS  
Complainant(s)

v.

\_\_\_\_\_  
Respondent(s)

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

07 CD \_\_\_\_\_

**APPEARANCE**

The undersigned enters the appearance of (check one):

☐ COMPLAINANT(S)

or

☒ RESPONDENT(S)

\_\_\_\_\_  
(insert name)

Check one: ☐ Attorney ☐ Pro Se

Name:

Ruth Andrews

Address:

3024 Polham Rd.

City/State/Zip:

Rockford, IL 61107

Telephone:

815 975 4571

Fax No.:

Email address:

Ruth.Andrews@insightbb.com

Will you accept service of documents via FAX transmission? Check one: ☐ Yes ☐ No

Ruth F. Andrews

Signature





**STATE OF ILLINOIS  
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections  
**Complainant**

v.

**06 AG 106**

Friends of Kwame Raoul      S8749  
**Respondent**

**REPORT OF HEARING EXAMINER**

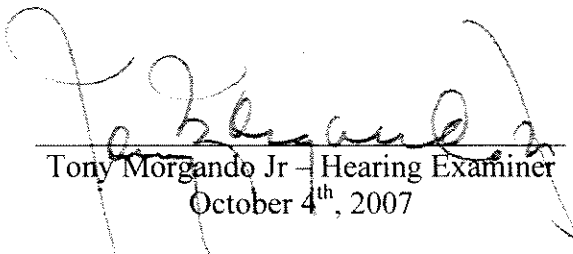
Appeal of Civil Penalty Assessment for Failure to File Schedule A-1's  
For the November 2006 General Election

According to the political committee's December 2006 Semi Annual Report, it received four (4) contributions, dated October 17<sup>th</sup>, 2006, in relation to the November 2006 General Election, during the Schedule A-1 filing period, October 9<sup>th</sup>, 2006 through and including November 6<sup>th</sup>, 2006, which failed to be reported as required by statute; Amgen in the amount of \$1,000.00; Building Owners & Managers Assn in the amount of \$1,000.00; M.T.W. Consultants in the amount of \$2,000.00, and Carr Preston in the amount of \$1,000.00. The political committee is fined an assessed civil penalty in the amount of \$5,000.00

Mr. Alan S. King, Chairman, filed a Request for Hearing and Appeal Affidavit, on October 3<sup>rd</sup>, 2007, indicating in part: "The Committee's Semi-Annual Report incorrectly and inadvertently indicated that the subject contributions were received on October 17, 2006. In fact, each of the subject contributions was dated and received by the Committee prior to the A-1 reporting period. The correct information is as follows: Amgen - date of check 9/18/06, date of receipt 9/19/06; Building Owners & Mgrs - date of check 9/12/06, date of receipt 9/13/06, M.T.W. Consultants - date of check 9/30/06, date of receipt 10/2/06, and Carr Preston - date of check 9/30/06, date of receipt 10/2/06. Additionally, the Committee has already filed an amended Semi-Annual Report to correct the error".

Attached to the Affidavit are duplicate copies of subject checks, indicating source, date of issuance and amount.

After reviewing the documents in this matter, with consideration of the amended December 2006 Semi-Annual Report, and amended Pre-Election Report, filed on October 3<sup>rd</sup>, 2007, it is the opinion of the Hearing Examiner, that the political committee did receive the contributions prior to the Schedule A-1 filing period. Therefore it is the recommendation of the Hearing Examiner that the appeal be granted in this matter.

  
Tony Morgando Jr. - Hearing Examiner  
October 4<sup>th</sup>, 2007

CHICAGO

07 OCT -3 PM 3 TO  
STATE BOARD OF ELECTIONS

State of Illinois )  
County of Cook )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. )  
Friends of Kwame Raoul )  
Respondent(s). )

06 AG 106  
Case No. S8749

APPEAL AFFIDAVIT

I, Alan S. King, the Chairman of the  
(Name) (Chairman/Treasurer)  
Friends of Kwame Raoul  
(Name of the Committee)

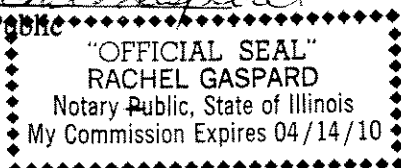
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

See attached Addendum.

Signed and Sworn to by:

Alan S. King  
before me this 5th Day of  
October, 2007

Notary Public



[Signature]  
(Signature of Chairman/Treasurer)

CHICAGO

'07 OCT -3 PM 3:30

STATE BOARD OF ELECTIONS

State of Illinois )  
County of Cook )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )

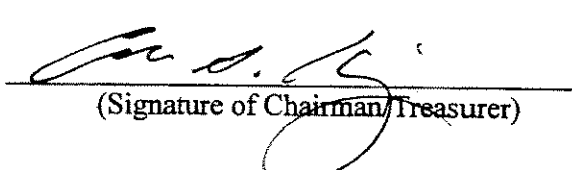
Vs. )  
Friends of Kwame Raoul )  
Respondent(s). )

Case No. S8749

WAIVER OF APPEARANCE

I, Alan S. King, the Chairman of the  
(Name) (Chairman/Treasurer)  
Friends of Kwame Raoul  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

  
(Signature of Chairman/Treasurer)

**Illinois State Board of Elections**

**v.**

**Friends of Kwame Raoul**

**Case No. S8749**

**ADDENDUM TO APPEAL AFFIDAVIT**

The Committee's Semi-Annual Report incorrectly and inadvertently indicated that the subject contributions were received on October 17, 2006, which was during the A-1 reporting period (in this case, 10/9/06 - 11/7/06). In fact, each of the subject contributions was dated and received by the Committee prior to the A-1 reporting period. The correct information is as follows:

<b>Contributor</b>	<b>Date of Check</b>	<b>Date of Committee's Receipt of Check</b>
Amgen	9/18/06	9/19/06
Building Owners & Mgrs. Assoc.	9/12/06	9/13/06
M.T.W. Consul.	9/30/06	10/2/06
Carr Preston	9/30/06	10/2/06

Copies of the subject checks are attached hereto. Additionally, the Committee has already filed an amended Semi-Annual Report to correct the error. The amended Semi-Annual Report reflects the correct information set forth above.

Accordingly, the Committee respectfully submits that it was not required to file Schedule A-1 Reports for these contributions, and respectfully requests that the proposed civil penalty not be assessed. Thank you for your consideration.

CH02/ 22500179.1

THIS CHECK IS VOID WITHOUT A GREEN & BLUE BORDER AND BACKGROUND PLUS A KNIGHT FINGERPRINT & AMGEN WATERMARK



ONE AMGEN CENTER DRIVE  
THOUSAND OAKS CA 91320-1789

CITIBANK DE  
ONE PENN'S WAY  
NEWCASTLE DE 19720

CHECK NO.	CHECK DATE
159912	09/18/06

62-20  
311

PAY THIS AMOUNT
USD \$1,000.00

PAY

ONE THOUSAND AND 00/100 \*\*\*\*\*

US DOLLARS

TO  
THE  
ORDER  
OF

FRIENDS OF KWAME RAOUL  
134 N LASALLE ST  
CHICAGO IL 60601

AUTHORIZED SIGNATURE

131

**BUILDING OWNERS AND MANAGERS ASSOC.**

C/O POLITICAL ACTION COMMITTEE  
120 S. LA SALLE ST., STE 1400  
CHICAGO, ILLINOIS 60603  
PH. (312) 236-5237

LASALLE BANK N.A.  
CHICAGO, ILLINOIS 60601  
2-50-710

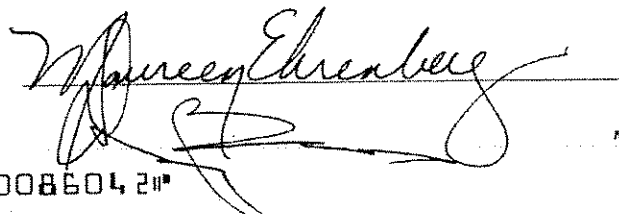
10127

DATE	9/12/2006
AMOUNT	***1,000.00

PAY One Thousand and 00/100\*\*\*\*\*

TO THE  
ORDER  
OF

FRIENDS OF KWAME RAOUL  
134 N LASALLE ST  
SUITE 1125  
CHICAGO, IL 60602



⑈010127⑈ ⑆071000505⑆ 5800086042⑈



Please respond by September 8, 2006

☒ Yes, I will attend the reception for Kwame Raoul.Sponsor Level: ☐ \$5,000 ☐ \$2,500 ☒ \$1,000Friend Level: ☐ \$500 ☐ \$250 ☒ \$100☐ No, I cannot attend, but will support Kwame with my enclosed contribution of \$Name MICHAEL CORNICELLI (ODMA PAC)Address 120 S. LASALLE ST. SUITE 1400City/State/Zip CHICAGO, IL 60603-3401Phone (work) 312-759-2060 (home)Employer BUILDING OWNERS AND MANAGERS  
ASSOCIATION OF CHICAGOOccupation DIRECTOR OF GOVERNMENT AFFAIRSE-mail mcornicelli@bomachi.com

Please make checks payable to Friends of Kwame Raoul

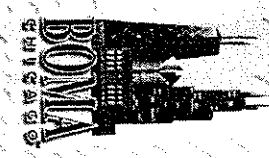
134 North LaSalle, Suite 1125, Chicago, Illinois 60602

For more information call Deirdre Joy Smith at (312) 368-3840

Paid for by friends of Kwame Raoul.

A copy of our report will be filed with the State Board of Elections, Springfield, Illinois. State law requires  
political committees to report the name and mailing address of contributors that exceed \$150 in  
aggregate in a calendar year. Occupation and employer is required for contributions over \$500.

Contributions are not tax deductible.



MICHAEL F. CORNICELLI  
DIRECTOR OF GOVERNMENT AFFAIRS  
BUILDING OWNERS AND MANAGERS  
ASSOCIATION OF CHICAGO™  
120 South LaSalle • Suite 1400  
Chicago, Illinois 60603-3401  
www.boma-chicago.org  
(312) 759-2060 • FAX (312) 236-5766  
e-mail: mcornicelli@bomachi.com

2352

M.T.W. CONSULTANTS, INC.

14818 CHICAGO RD.  
DOLTON, IL 60419  
(708) 841-3918

ASSOCIATED BANK  
CHICAGO, ILLINOIS  
2-214-710

9/30/2006

PAY TO THE  
ORDER OF

Friends of Kwame Raoul

\$\*\*2,000.00

Two Thousand and 00/100\*\*\*\*\*  
DOLLARS

Friends of Kwame Raoul  
134 N. LaSalle; Suite 1125  
Chicago, IL 60602

*Yessie B. Yehoudah*

MEMO

Donation

⑈002352⑈ ⑈071002147⑈ 2153 319 571⑈

MP

M.T.W. CONSULTANTS, INC.

Friends of Kwame Raoul

Donation

*Yessie Yehoudah*

9/30/2006

2,000.00

*Not Sure*  
*Please add*  
*signature*

2352

2,000.00

ASSOC. BANK (C) Donation



Carr T. Preston  
Marcia A. Preston  
708-366-9096  
7424 W. Berkshire St.  
River Forest, IL 60305

11-00

6976

7-163/520 MB  
2185

Date 09.30.06

Pay to the  
Order of

Friends of Kwame Raoul  
One Thousand

\$ 1,000.00

xx/100

Dollars

Security watermark  
on back of check  
Details on back

Bank of America



Bank of America Advantage®

ACH R/T 052001633

For Sandra's Unsub's

Marcia A. Preston

⑆052001633⑆ 00392984046 ⑆6976

*Women's  
Event*

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

Friends of Kwame Raoul  
1507 E 53rd St, #926  
Chicago, IL 60615

S8749

Dear Friends of Kwame Raoul;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Amgen	10/17/06	\$1000.00	\$1000.00	*not filed	
Building Owners & Managers Assn	10/17/06	\$1000.00	\$1000.00	*not filed	
M.T.W. Consultants	10/17/06	\$2000.00	\$2000.00	*not filed	
Carr Preston	10/17/06	\$1000.00	\$1000.00	*not filed	

The committee is fined a **total** of \$5000.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the second delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$2500.00, (50% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the mailing of this assessment notice for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

\* This contribution was reported on the December 2006 Semi-Annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

\*\* This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

**STATE OF ILLINOIS  
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections

**Complainant**

Vs.

**07 JS 013**

Riverdale Mayor Finance Committee S8984

**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment for Delinquently Filing a  
June 30<sup>th</sup>, 2007 Semi-Annual Report

The political committee's June 2007 Semi-Annual Report was received by the State Board of Elections (herein referred to as SBE) on August 17<sup>th</sup>, 2007, thirteen (13) days late. As such, the political committee has been assessed a fine of \$650.00. The committee was previously assessed a fine of \$1525.00 for the delinquent filing of the June 2005 Semi-annual report. The total amount of the assessment is \$2175.00.

Mr. Nkrumah Hopkins, Candidate/Chairman, filed a Request for Hearing and Appeal Affidavit, on September 10<sup>th</sup>, 2007, indicating in part; "be advised that the committee in fact file its semiannual report prior to the deadline and I have enclosed a copy of the report for your review. The report was filed on July 1, 2007 via facsimile. The report was filed as a Final Report. The report was simultaneously filed via facsimile to the Office of the County Clerk for Cook County. I have also enclosed a copy of the receipt of campaign disclosure from the Office of the County Clerk".

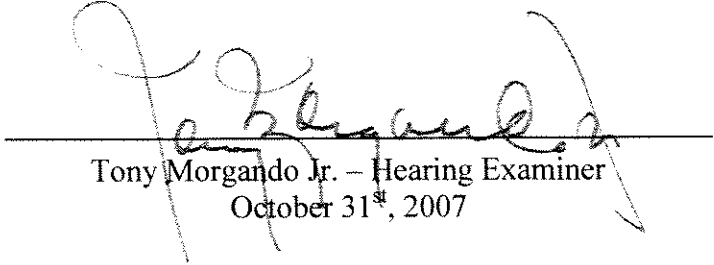
Attached to the Affidavit, a copy of (1) Correspondence dated August 16<sup>th</sup>, 2007, from Mr. Hopkins to Mr. Rupert Borgsmiller, Director/Campaign Disclosure, (2) Form D-2, marked a Final Report, indicating a reporting period of Jan 1 – June 30, reflecting "0" receipts, "0" expenditures, dated July 2, 2007, (3) A Broadcast Report, indicating fax transmissions of one (1) page on July 1<sup>st</sup>, 2007, to (312) 814-6485 (Chicago State Board of Elections fax machine, 11:16), and (312) 603-9787 (Cook County Clerks Office 11:18), indicating transmissions "ok", and, (4) A Receipt for Campaign Disclosure, issued by the Cook County Clerks Office, dated July 2<sup>nd</sup>, 2007, for a one (1) page Final Report, filed by the Riverdale Mayor Finance Committee.

Hearing in this matter was set for Wednesday, October 25<sup>th</sup>, 2007, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 9:00 a.m.

Ms. Nkrumah L. Hopkins, Candidate/Chairman, appeared on behalf of the political committee. Mr. Hopkins stated he ran unsuccessfully for Mayor of Riverdale in 2005, and has since, moved from the community to Chicago, Illinois. Mr. Hopkins testified to the Broadcast Report, which reflected the faxed transmission of the political committee's one (1) page Final Report on Sunday, July 1<sup>st</sup>, 2007, to the State Board of Elections, and the Cook County Clerks Office.

Mr. Hopkins stated since his political committee created on March 15<sup>th</sup>, 2005, through the filing of his Final Report on July 1<sup>st</sup>, 2007, no funds were accepted, nor expended by the committee.

The Hearing Examiner was able to secure from Ms. Natalie Formusa, Supervisor/Disclosure/Cook County Clerks Office, a copy of the Riverside Mayor Finance Committee Final Report, which indicates such document was indeed transmitted to the Clerks Office on Sunday, July 1<sup>st</sup>, 2007, at 11:18. Such document confirms the information contained on the Respondent(s) Broadcast Report. Therefore, it is the opinion of the Hearing Examiner that reasonable grounds exist that such document was transmitted to the Chicago office of the State Board of Elections on Sunday, July 1<sup>st</sup>, 2007, and inadvertently misplaced. I feel based upon a review of the statements/documents presented in this matter, it is the recommendation of the Hearing Examiner that the appeal be GRANTED and the previously assessed penalty of \$1525.00 remains stayed as a first violation.



---

Tony Morgando Jr. – Hearing Examiner  
October 31<sup>st</sup>, 2007

State of Illinois )  
County of Cook )

11:15  
L. SEC. 11:11:53

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. )  
Riverdale Mayor Finance Committee )  
Respondent(s). )

Case No. 07 JS 013

APPEAL AFFIDAVIT

I, Nkrumah Hopkins, the Chairman of the  
(Name) (Chairman/Treasurer)  
Riverdale Mayor Finance Committee  
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

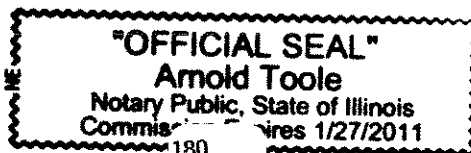
I filed the Report timely. Please find enclosed my August 16th  
correspondence in support.

Signed and Sworn to by:

Nkrumah Hopkins  
before me this 6<sup>th</sup> Day of  
September, 2007

[Signature]  
Notary Public

[Signature]  
(Signature of Chairman/Treasurer)



State of Illinois )  
 )  
County of Cook )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF;

ILLINOIS STATE BOARD OF ELECTIONS,

Complainant )

Vs.

Case No. \_\_\_\_\_

Riverdale Mayor Finance Committee

Respondent(s).

## REQUEST FOR HEARING

I, Nkrumah Hopkins, the Chairman  
(Name) (Chairman/Treasurer)

Riverdale Mayor Finance Committee

(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee requests a public hearing at which it will appear to offer reasons and defenses why the proposed assessment should not be imposed.

(Signature of Chairman/Treasurer)

## BROADCAST REPORT

TIME : 07/01/2007 11:18  
NAME : NLH PC  
FAX : 7734930484  
TEL : 7734935894  
SER.# : BROG1J469731

PAGE(S)

01

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
07/01	11:16	13128146485	31	01	OK	ECM
07/01	11:18	13126039787	30	01	OK	ECM

BUSY: BUSY/NO RESPONSE  
NG : POOR LINE CONDITION  
CV : COVERPAGE  
PC : PC-FAX

**FORM****D-2**
**REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES**  
 (CHECK APPROPRIATE BOXES) (PLEASE TYPE OR PRINT IN BLACK INK)

<input type="checkbox"/>	Pre-Election Report - Election Date: _____
<input type="checkbox"/>	Semi-Annual Report _____
<input type="checkbox"/>	Non-Participation - Election Date: _____
<input checked="" type="checkbox"/>	Final Report _____
<input type="checkbox"/>	Amendment of Report Indicated Above _____

**FOR OFFICE USE ONLY**
 CAMPAIGN DISCLOSURE  
 AND COMPLIANCE DEPARTMENT  
 RECEIVED

JUL 1 2007

Full name and complete mailing address of Political Committee:

 Riverdale Mayor Finance Committee  
 1525 E 53rd St, Ste 1103  
 Chicago, IL 60615-4572
**POLITICAL COMMITTEE**
 SCOTT COUNTY CLERK  
 L 12867

6684 &amp;

IDENTIFICATION NO.

☐ CHECK IF ADDRESS CHANGE

<b>REPORTING PERIOD</b> FROM <u>Jan 1</u> THRU <u>June 30</u>	<b>CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD:</b> \$ <u>0</u>	<b>STATE POLITICAL COMMITTEES RETURN TO:</b> STATE BOARD OF ELECTIONS PO BOX 4187 SPRINGFIELD, IL 62708-4187	<b>LOCAL POLITICAL COMMITTEES AND STATE AND LOCAL POLITICAL COMMITTEES RETURN ORIGINAL TO:</b> STATE BOARD OF ELECTIONS AND A COPY TO EACH APPROPRIATE COUNTY CLERK
--	--	---	---

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

**COMPLETE 1-7 FOR PRE-ELECTION REPORTS.**
**COMPLETE ALL SECTIONS FOR  
 SEMI-ANNUAL AND FINAL REPORTS.**
**SECTION A - RECEIPTS****Individual Contributions:**
 a. Itemized (from Schedule A) \$ \_\_\_\_\_ (1a)  
 b. Not-Itemized \$ \_\_\_\_\_ (1b)
**Transfers In:**
 a. Itemized (from Schedule A) \$ \_\_\_\_\_ (2a)  
 b. Not-Itemized \$ \_\_\_\_\_ (2b)
**Loans Received:**
 a. Itemized (from Schedule A) \$ \_\_\_\_\_ (3a)  
 b. Not-Itemized \$ \_\_\_\_\_ (3b)
**Other Receipts:**
 a. Itemized (from Schedule A) \$ \_\_\_\_\_ (4a)  
 b. Not-Itemized \$ \_\_\_\_\_ (4b)  
**TOTAL RECEIPTS (1-4)** \$ 0

\*\*\*\*\*

**In-Kind Contributions:**
 a. Itemized (from Schedule I) \$ \_\_\_\_\_ (5a)  
 b. Not-Itemized \$ \_\_\_\_\_ (5b)  
**TOTAL IN-KIND** \$ 0
**SECTION B - EXPENDITURES****6. Transfers Out:**
 a. Itemized (from Schedule B) \$ \_\_\_\_\_ (6a)  
 b. Not-Itemized \$ \_\_\_\_\_ (6b)
**7. Loans made:**
 a. Itemized (from Schedule B) \$ \_\_\_\_\_ (7a)  
 b. Not-Itemized \$ \_\_\_\_\_ (7b)
**8. Expenditures:**
 Itemized (from Schedule B) \$ \_\_\_\_\_ (8a)  
 Not-Itemized \$ \_\_\_\_\_ (8b)  
**TOTAL EXPENDITURES (6-8)** \$ 0
**SECTION C - DEBTS AND OBLIGATIONS**

(Include previously reported unpaid debts)

 9. a. Itemized (from Schedule C) \$ \_\_\_\_\_ (9a)  
 b. Not-Itemized \$ \_\_\_\_\_ (9b)  
**TOTAL DEBTS & OBLIGATIONS** \$ 0
**SECTION D - CASH BALANCE****Funds available at the beginning**

of the reporting period: \$ \_\_\_\_\_ (A)

Total Receipts (Section A) \$ \_\_\_\_\_ (B)

Subtotal \$ \_\_\_\_\_ (C)

Total Expenditures (Section B) \$ \_\_\_\_\_ (D)

**Funds available at the close of**

the reporting period: \$ \_\_\_\_\_ (E)

\*\*\*\*\*

**INVESTMENT TOTAL** \$ 0 (F)**VERIFICATION**
 I DECLARE THAT THIS REPORT OF CAMPAIGN CONTRIBUTIONS OR THIS SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (INCLUDING  
 ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND  
 COMPLETE REPORT AS REQUIRED BY ARTICLE 2 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE REPORT IS A  
 BUSINESS OFFENSE SUBJECT TO A FINE OF UP TO \$5000.

SIGNATURE OF TREASURER OR CANDIDATE

Page 183

 DATE July 2, 2007  
 (THIS FORM MAY BE REPRODUCED)



DAVID ORR  
COUNTY CLERK

OFFICE OF THE COUNTY CLERK  
COOK COUNTY, ILLINOIS  
CHICAGO, 60602

RECEIPT FOR CAMPAIGN DISCLOSURE

RECEIVED  
COUNTY CLERK

POLITICAL COMMITTEE:

RIVERDALE MAYOR FINANCE COMMITTEE

1525 E. 53RD ST., SUITE 1103

CHICAGO, IL 60615

RECEIVED: D-1 AMENDED 1 D-2

PRE-ELECTION SEMI-ANNUAL X FINAL

A-1 NON-PARTICIPATION ELECTION

NKRUMAH LUMUMBA HOPKINS, ESQ.

August 16, 2007

**Via Facsimile**

Rupert Borgsmiller  
Director of Campaign Disclosure  
State Board of Elections, State of Illinois  
James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago, IL 60601

**In Reference To: Riverdale Mayor Finance Committee, S8984 L12867  
Semiannual Report**

Dear Mr. Borgsmiller:

This letter responds to your August 2, 2007 correspondence regarding the above-referenced committee's failure to file its Semiannual Report by the July 20<sup>th</sup> deadline.

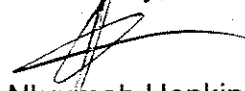
Please be advised that the committee did in fact file its semiannual report prior to the deadline and I have enclosed a copy of the report for your review. The report was filed on July 1, 2007 via facsimile. The report was filed as a Final Report.

The report was simultaneously filed via facsimile to the Office of the County Clerk for Cook County. I have also enclosed a copy of the receipt of campaign disclosure from the Office of the County Clerk.

It is my opinion that because the report was filed on Sunday, July 1, 2007 its receipt was mishandled.

If you have any questions, please do not hesitate to call.

Yours truly,



Nkrumah Hopkins, Chairman  
Riverdale Mayor Finance Committee

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

Riverdale Mayor Finance Committee  
Nkruma H Hopkins  
1525 E 53rd, Suite 1103  
Chicago, IL 60615

\$8984

Dear Riverdale Mayor Finance Committee;

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type: Semiannual Report of Campaign Contribution and Expenditures  
Report Period: January 1, 2007 through June 30, 2007  
Filing Period: July 2, 2007 through July 20, 2007

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on August 17, 2007, 13 day(s) late. As such, this committee has been assessed a fine of \$650.00.

Enclosed please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

If the above listed violation is not appealed and since this is a subsequent violation the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days:

Reporting Period	Report Type	Previous Fine Amount
1/1/2005 – 6/30/2005	Semi-annual	\$1525.00
<b>TOTAL AMOUNT NOW DUE</b>		<b>\$2175.00</b>

If you have any questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

A handwritten signature in black ink, appearing to read "Rupert T. Borgsmiller".

Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm  
Enclosure(s) appeal documents

STATE OF ILLINOIS  
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections

**Complainant**

v.

07 AC 040

Friends of William J P Banks

L 811

**Respondent**

**REPORT OF HEARING EXAMINER**


Appeal of Civil Penalty Assessment for Delinquently Filing  
Schedule A-1 Reports for the 2007 Consolidated Primary Election

This Committee received one in-kind contribution of \$1500 on 2/2/07, but failed to list it on a Schedule A-1. The total assessment is \$1500.

Charles Digiovanni, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Digiovanni stated that the non-reported contribution was 'in-kind'. The paperwork related to the contribution was not forwarded to the treasurer for filing. As substantially all contributions are made in cash, there was not a procedure in place to monitor this type of transaction. Personnel have been advised as to this for future transactions.

I recommend that this appeal be denied for lack of an adequate defense, as Mr. Digiovanni admitted that the failure to report this in-kind contribution was a committee oversight and indicated that procedures were now in place to avoid this situation in the future. As a matter of clarification, this in-kind contribution was a reception held on February 2, 2007; therefore, the candidate would have undoubtedly been aware of it at that time, even though no official notification was apparently received. In regards to this matter, Section 100.120(c) of the Board's Rules and Regulations reads in part: *"...A contribution of goods actually received by the committee is deemed to be made on the date the goods are transferred to the possession of the recipient. A contribution of services is deemed to be made on the date the services are actually performed..."* However, even though my recommendation is to deny this appeal, since there is no indication that this violation was anything other than inadvertent and unintentional, and since this was the first election during which this type of reporting violation occurred, I also recommend that the penalty be reduced to 10% of the original assessment, or \$150. As a first violation, the penalty is stayed.



Sharon Steward – Hearing Officer

October 4, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

Friends of William JP Banks  
6839 W Belmont Ave  
Chicago, IL 60634

L811

Dear Friends of William JP Banks;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Schain Burney Ross & Citron Ltd	2/2/07	\$1500.00	\$1500.00	*not filed	

The committee is fined a **total** of \$1500.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

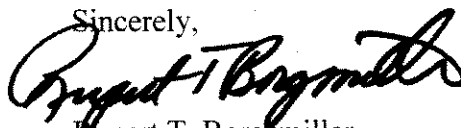
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$150.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. If your committee has no other civil penalty assessments and only one delinquent Schedule A-1 amount is listed above, the penalty will be **stayed** as a first violation and would only become due and owing upon any subsequent delinquent filings by the committee.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the mailing of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

\* This contribution was reported on either the April 2007 Pre-election report or the June 2007 Semi-annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

\*\* This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois )  
County of Cook )

07/22/07 11:04:49

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. )  
FRIENDS OF WILLIAM J. P. BANKS )  
Respondent(s). )

Case No. 07 AC 040

APPEAL AFFIDAVIT

I, CHARLES DiGIOVANNI, the TREASURER of the  
(Name) (Chairman/Treasurer)  
FRIENDS OF WILLIAM J. P. BANKS  
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

THE NOW REPORTED CONTRIBUTION WAS "IN KIND"  
THE PROPERLY RELATED TO THE CONTRIBUTION WAS  
NOT FORWARDED TO THE TREASURER FOR FILING. AS SUBSTANTIAL  
ALL CONTRIBUTIONS ARE MADE IN CASH, THERE WAS NOT A  
PROCEDURE IN PLACE TO MONITOR THIS TYPE OF TRANSACTION.  
PERSONNEL HAVE BEEN ADVISED AS TO THIS FOR FUTURE TRANSACTIONS

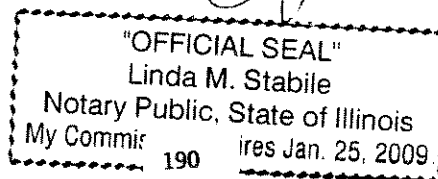
Signed and Sworn to by:

Charles DiGiovanni  
before me this 24 Day of

September, 2007  
Linda M. Stabile

Notary Public

(Signature of Chairman/Treasurer)



State of Illinois )  
County of Cook )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

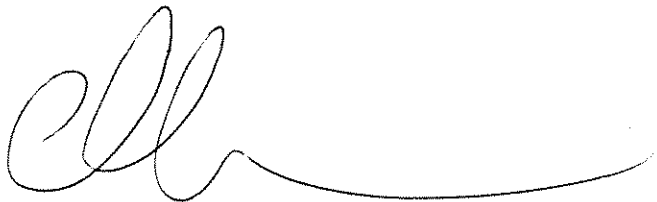
IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. FRIENDS of WILLIAM J. P. BANKS )  
Respondent(s). )

Case No. \_\_\_\_\_

WAIVER OF APPEARANCE

I, CHARLES D. GIOVANNI, the TREASURER of the  
(Name) (Chairman/Treasurer)  
FRIENDS of WILLIAM J. P. BANKS  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.



(Signature of Chairman/Treasurer)

**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections  
**Complainant**

v.

**07 AE 029**

Community Park of Hanover Park  
**Respondent**

L 1227

**REPORT OF HEARING EXAMINER**

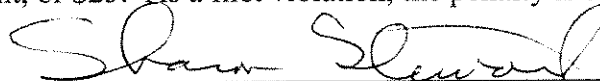
Appeal of Civil Penalty Assessment For Failure to File a Schedule A-1  
For the 2007 Consolidated Election

This Committee received 2 contributions totaling more than \$500, one on 3/20/07 and the second on 4/7/07, but failed to list them on a Schedule A-1. The assessed penalty is \$250, the amount of the contribution that placed the contributor over the A-1 filing threshold.

Kimberly A. May-Manton, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Ms. May-Manton stated that based on the instructions on the In-Kind Contribution Notification Form, she reported these donations on a D-1 form instead of the A-1 form. It was an honest mistake caused by what appeared to be conflicting information. After receiving this penalty assessment, she filed the Schedule A-1 reporting these two contributions on 10/31/07.

I recommend that the appeal be denied for lack of an adequate defense. An in-kind contribution is included in the definition of contribution, and the Act, as stated in Section 5/9-10(b-5), requires that any contribution(s) exceeding \$500 in aggregate, received within the 30 days prior to an election, be reported on a Schedule A-1 within two business days. The in-kind contribution of printing valued at \$405.73 was received on 3/20/07, and was followed by a cash contribution of \$250 received on 4/7/07. The aggregate amount from Linda McCance-Packham exceeded \$500 and was not reported on the Schedule A-1 within two business days, even though information addressing this is available in the Act, the Guide to Campaign Disclosure, and in other brochures on the Board website. Although I recommend that the appeal be denied, I also recommend that since there is no indication that this violation was anything other than inadvertent and unintentional, and since this is the first election for which this Committee has been assessed a penalty for a Schedule A-1 violation, that this assessment be reduced to 10% of the original assessment, or \$25. As a first violation, the penalty is stayed.



Sharon Steward – Hearing Officer  
November 6, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

EXECUTIVE DIRECTOR  
Daniel W. White  
October 25, 2007

Community Party of Hanover Park  
Kimberly May Manton  
1819 Seneca Dr.  
Hanover Park, IL 60133

L1227

Dear Community Party of Hanover Park;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Linda McCance Packham	3/20/07		\$405.73**		
Linda McCance Packham	4/7/07	\$250.00	\$250.00	*not filed	

The committee is fined a **total** of \$250.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.


Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$25.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. If your committee has no other civil penalty assessments and only one delinquent Schedule A-1 amount is listed above, the penalty will be **stayed** as a first violation and would only become due and owing upon any subsequent delinquent filings by the committee.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the mailing of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

\* This contribution was reported on the June 2007 Semi-annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

\*\* This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois )  
County of DuPage )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. )  
Community Party of Hanover Park )  
Respondent(s). )

Case No. MAE 029

APPEAL AFFIDAVIT

I, Kimberly A. May-Manton, the Treasurer of the  
(Name) (Chairman/Treasurer)  
Community Party of Hanover Park aka Unity Party of Hanover Park  
(Name of the Committee)

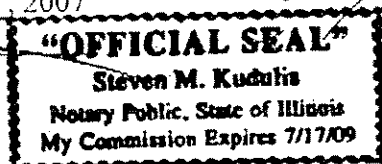
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

Based on the instructions on the In-Kind Contribution  
Notification form, I reported these donations  
on a D-2 form instead of the A-1 form.  
It was an honest mistake caused by what  
appeared to be conflicting information

Signed and Sworn to by:

before me this 31 Day of  
October 2007

Notary Public



(Signature of Chairman/Treasurer)

(630) 973-0613

State of Illinois )  
County of DuPage )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. Community Party of Hanover Park )  
Respondent(s). )

Case No. \_\_\_\_\_

WAIVER OF APPEARANCE

I, Kimberly A. May-Mantoo, the Treasurer of the  
(Name) (Chairman/Treasurer)  
Community Party of Hanover Park a/k/a Unity Party of Hanover Park  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

Kimberly A. May-Mantoo  
(Signature of Chairman/Treasurer)

October 31, 2007

State Board of Elections  
Campaign Disclosure  
1020 South Spring Street  
Springfield, IL 62704

RE: Community Party of Hanover Park L1227  
Delinquency of form A-1 filing

Dear Ms. McArthur:

I have enclosed the Appeal Affidavit, Waiver of Appearance, the recently filed Schedule A-1 along with the fax confirmation sheets and copies of the documents filed July 2007 (D2, Schedule A, Schedule B and Schedule I).

Based on the instructions on the In-Kind Contribution Notification form, I reported the two donations in question on a D-2 form instead of an A-1 form.

I apologize for the failure in not filing the A-1 within the appropriate time frame, however I feel this was an honest mistake caused by what I perceive to be conflicting information.

At this time, I would ask that the Hearing Examiner stay the penalty based on the documentation I provided along with my written explanation.

I appreciate you bringing the error to my attention and will do everything within my control to ensure the Community Party of Hanover park does not duplicate the mistake.

Very truly yours,



Kimberly A. May-Manton, Treasurer  
Community Park of Hanover Park  
a/k/a United Party of Hanover Park  
1819 Seneca Drive  
Hanover Park, IL 60133  
(630) 973-0613

NAME OF POLITICAL COMMITTEE:

Community Party of Honor Park  
A/K/A Unity Party of Honor Park

REPORTING PERIOD

01/01/07 | 06/30/07  
FROM THRU

FOR OFFICE USE ONLY

## SCHEDULE B

INDICATE THE PART OF FORM D-2 BEING ITEMIZED:

☐ PART 6- TRANSFERS OUT  
EXPENDITURES TO POLITICAL  
COMMITTEES - INCLUDING TICKET &  
RAFFLE PURCHASES☐ PART 7- LOANS MADE☒ PART 8- EXPENDITURESPOLITICAL COMMITTEE  
IDENTIFICATION NO.

12

L 1227

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

ITEMIZED EXPENDITURES FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	PURPOSE	BENEFICIARY	AMOUNT OF EACH EXPENDITURE THIS REPORTING PERIOD	AGGREGATE AMOUNT THIS REPORTING PERIOD
Postmaster Streamwood, IL 601079998	3/20/07 4/4/07 4/10/07 4/2/07	Permit Imprint mailing mailing mailing	Unity Party Unity Party Unity Party Unity Party	\$ 320.00 \$ 114.06 \$ 234.82 \$ 234.82	5123.70
Page County Election Commission 21 N. County Farm Road Sheldon, IL 60187	1/16/07	mailing list/labels	Unity Party	\$ 50.00	50.00
Pick Kreeger 64X P.O. Box 2006 Northlake, IL 60164-2006	3/7/07	Campaign Buttons & literature design	Unity Party	\$ 381.50	381.50
Stephen Dittmore Web & Media Design 74 Rockelle Terrace Cumberland, IL 60148	2/25/07 4/7/07 5/14/07	Web Design Web Site Maintenance Web Site Maintenance	Unity Party Unity Party Unity Party	\$ 750.00 \$ 243.75 \$ 308.75	1302.50
The Ink Well A/K/A 19 E. Roosevelt Road Cumberland, IL 60148	3/22/07 4/7/07	Political Handouts & Post Cards Second Mailing	Unity Party Unity Party	\$ 633.00 \$ 385.00	1018.00
William J. Manton 119 Seneca Drive Meyer Park, IL 60133	03/11/07 03/17/07	Printing Printing	Unity Party Unity Party	\$ 69.17 \$ 184.97	254.14
Graphic Vision, Inc 37 Deerborn Circle Mendota, IL 60188	3/25/07 4/29/07	Yard Signs 100 Outdoor Posters	Unity Party Unity Party	\$ 717.45 \$ 526.84	1244.33
Horner National Bank 400 Irving Park Road Morton Park, IL 60133	4/30/07 5/31/07 6/30/07	Bank Charges	Unity Party	\$ 10.58 \$ 12.53 \$ 10.91	34.02

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

TOTAL THIS PERIOD'S 9408.19  
(LAST PAGE OF THIS PART ONLY)(THIS FORM MAY BE REPRODUCED)  
SEE INSTRUCTIONS ON REVERSE SIDE

PAGE 1

NAME OF POLITICAL COMMITTEE:

REPORTING PERIOD

FOR OFFICE USE ONLY

Community Party of Hanover Park  
Ke Unity Party of Hanover Park01/01/07  
FROM06/30/07  
THRU

# SCHEDULE I IN-KIND CONTRIBUTIONS

POLITICAL COMMITTEE

IDENTIFICATION NO

L1227

12

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE RECEIVED	AMOUNT OF EACH RECEIPT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
CONTRIBUTOR Lori Kaiser 1725 Wildwood Lane Hanover Park, IL 60133	03/18/07	\$ 77.68	77.68
VENDOR PAID (If applicable)	DESCRIPTION Food- Kick off Party	EMPLOYER: Phonant Luri	OCCUPATION Banquet Captain
CONTRIBUTOR Kimberly A. May-Manton 1819 Seneca Drive Hanover Park, IL 60133	03/18/07	\$ 63.90	63.90
VENDOR PAID (If applicable)	DESCRIPTION Return Address Stamps	EMPLOYER: Robert A. McLeers & Assoc.	OCCUPATION Legal Assistant
CONTRIBUTOR Linda McCance Packham 4421 Edinburg Lane Hanover Park, IL 60133	03/20/07	Aspect Software 5 \$ 405.73	Administrative Mgr.
VENDOR PAID (If applicable)	DESCRIPTION Printing	EMPLOYER:	OCCUPATION
CONTRIBUTOR Linda McCance Packham 4421 Edinburg Lane Hanover Park, IL 60133	04/17/07	\$ 318.17	Administrative Mgr.
VENDOR PAID (If applicable)	DESCRIPTION	EMPLOYER: Aspect Software	OCCUPATION Administrative Mgr.
			723.90

TOTAL THIS PERIOD \$

(LAST PAGE OF THIS PART ONLY)

THIS FORM MAY BE REPRODUCED)  
SEE INSTRUCTIONS ON REVERSE SIDE

PAGE 1 OF 2

NAME OF POLITICAL COMMITTEE:  
 Community Party of Hanover Park  
 12/14 Unity Party of Hanover Park

REPORTING PERIOD

01/01/07 06/30/07  
 FROM THRU

FOR OFFICE USE ONLY

## SCHEDULE I IN-KIND CONTRIBUTIONS

POLITICAL COMMITTEE

IDENTIFICATION NO.

12

L1227

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE RECEIVED	AMOUNT OF EACH RECEIPT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
CONTRIBUTOR William J. Manton 1819 Seneca Drive Hanover Park, IL 60133	04/17/07	\$ 458. <sup>00</sup>	458.00
VENDOR PAID (if applicable)	DESCRIPTION	EMPLOYER:	OCCUPATION
The Examiner of Hanover Park P.O. Box 8287, 4N 781 Garber Rd Bartlett, IL 60103	4 Weeks of Political Advertising	Kinser Crane Service	Fleet Mgr.
CONTRIBUTOR		EMPLOYER:	OCCUPATION
VENDOR PAID (if applicable)	DESCRIPTION		
CONTRIBUTOR		EMPLOYER:	OCCUPATION
VENDOR PAID (if applicable)	DESCRIPTION		
CONTRIBUTOR		EMPLOYER:	OCCUPATION
VENDOR PAID (if applicable)	DESCRIPTION		

TOTAL THIS PERIOD \$ 1323.48  
 (LAST PAGE OF THIS PART ONLY)

# IN-KIND CONTRIBUTION NOTIFICATION

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

The contributor shall notify the committee of donated goods or services of more than \$50 within five (5) business days.

Do not send this form to the State Board of Elections or the County Clerk.

## Full Name, Mailing Address, and Zip Code

If the In-Kind was donated by an Individual, and its value exceeded \$500, occupation & employer must be provided.

To:

Community Party of Hanover Park  
A/K/A Unity Party of Hanover Park  
1819 Seneca Drive  
Hanover Park, IL 60133

From:

Kimberly A. May-Manton  
1819 Seneca Drive  
Hanover Park, IL 60133

Occupation & Employer (if applicable)

## In-Kind Contribution

Full Name, Mailing Address and Zip Code of Vendor (if applicable)	Date	Value
	Description	
	03/18/07	\$63.90
	Return Address Stamps	

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.

  
Signature of Contributor

# SCHEDULE A-1

## REPORT OF CAMPAIGN CONTRIBUTIONS OF MORE THAN \$500

FOR OFFICE USE ONLY

Full name and complete mailing address of Political Committee:

Community Party of Hanover Park  
at the Unity Party of Hanover Park  
% Kimberly A. May-Martin  
1819 Seneca Drive  
Hanover Park, IL 60133

POLITICAL COMMITTEE  
IDENTIFICATION NO.

L 1227

**SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.**

This form must be on file within **TWO** business days of receipt of a contribution in an aggregate of more than \$500 received in the thirty day period preceding any election (**up through and including the day before any election**) by either:

1. **HAND DELIVERY** - to a state board of elections office (see bottom of form for addresses),
2. **FACSIMILE** - to (217)-557-5630 or (217)-782-5959. Please retain a confirmation transmission for your records, or
3. **ELECTRONIC TRANSMISSION**

Postal service or other mail services may be used. **CAUTION:** such services do not guarantee that the A-1 form will be received by our office prior to the deadline. **A POSTMARK IS NOT USED TO DETERMINE WHETHER AN A-1 FORM HAS BEEN TIMELY FILED.**

This form must be on file with the State Board of Elections within two business days of receipt of a contribution of more than \$500 or penalties will be levied for late filings. Report may be hand delivered or faxed to (217)-557-5630 or (217)-782-5959.

**THESE CONTRIBUTIONS MUST ALSO BE REPORTED ON THE NEXT REGULARLY SCHEDULED FORM D-2 REPORT, SCHEDULE A.**

RECEIVED FROM: FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE	AMOUNT
Linda McCance - Packham 4421 Edinburg Lane Hanover Park, IL 60133	3/20/07	\$ 405. <sup>73</sup>
Linda McCance - Packham 4421 Edinburg Lane Hanover Park, IL 60133	4/7/07	\$ 250. <sup>00</sup>
		\$
		\$
		\$

SIGNATURE OF TREASURER OR CANDIDATE

10/31/07  
DATE

THE ILLINOIS STATE BOARD OF ELECTIONS IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY IF YOU QUALIFY AS A POLITICAL COMMITTEE AS OUTLINED UNDER PUBLIC ACT 75-1112. DISCLOSURE OF THIS INFORMATION IS REQUIRED. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN A FINE UP TO \$1,000. THIS FORM IS IN COMPLIANCE WITH THE FORMS MANAGEMENT PROGRAM ACT.

STATE POLITICAL COMMITTEES RETURN TO:  
STATE BOARD OF ELECTIONS OR STATE BOARD OF ELECTIONS  
1020 S SPRING ST JAMES R. THOMPSON CENTER  
PO BOX 4187 100 W RANDOLPH ST, STE 14-100  
SPRINGFIELD, IL 62708-4187 CHICAGO, IL 60601-3232  
(217) 557-5630 FAX, (217) 782-5959 FAX  
(THIS FORM MAY BE REPRODUCED)  
**SEE INSTRUCTIONS ON REVERSE SIDE**

LOCAL POLITICAL COMMITTEES AND STATE  
AND LOCAL POLITICAL COMMITTEES SHALL  
FILE WITH THE STATE BOARD OF ELECTIONS  
AND EACH APPROPRIATE COUNTY CLERK.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	3356	
CONNECTION TEL		12175575630
SUBADDRESS		
CONNECTION ID		
ST. TIME	10/31 07:17	
USAGE T	00'23	
PGS. SENT	1	
RESULT	OK	

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	3357	
CONNECTION TEL		12177825959
SUBADDRESS		
CONNECTION ID		
ST. TIME	10/31 07:18	
USAGE T	00'18	
PGS. SENT	1	
RESULT	OK	



<b>FORM</b>  <b>D-2</b>	<b>REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES</b> (CHECK APPROPRIATE BOXES) (PLEASE TYPE OR PRINT IN BLACK INK)		<b>FOR OFFICE USE ONLY</b>
	<input type="checkbox"/> Pre-Election Report - Election Date: _____		
	<input checked="" type="checkbox"/> Semi-Annual Report		
	<input type="checkbox"/> Non-Participation - Election Date: _____		
	<input type="checkbox"/> Final Report		
	<input type="checkbox"/> Amendment of Report Indicated Above		

Full name and complete mailing address of Political Committee: Community Party of Hanover Park La Unity Party of Hanover Park Kimberly A. May-Manton 119 Seneca Drive Hanover Park, IL 60133-6751	<input type="checkbox"/> CHECK IF ADDRESS CHANGE	<b>POLITICAL COMMITTEE</b> 12 L 1227	<b>IDENTIFICATION NO.</b>
--	--	--	---------------------------

<b>REPORTING PERIOD</b> 01/01/07 6/30/07 FROM THRU	<b>CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD:</b> \$ 8,294.20	<b>STATE POLITICAL COMMITTEES RETURN TO:</b> STATE BOARD OF ELECTIONS PO BOX 4187 SPRINGFIELD, IL 62708-4187	<b>LOCAL POLITICAL COMMITTEES AND STATE AND LOCAL POLITICAL COMMITTEES RETURN ORIGINAL TO:</b> STATE BOARD OF ELECTIONS AND A COPY TO EACH APPROPRIATE COUNTY CLERK
<b>SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.</b>			

COMPLETE 1-7 FOR PRE-ELECTION REPORTS.

COMPLETE ALL SECTIONS FOR  
SEMI-ANNUAL AND FINAL REPORTS.

#### SECTION A - RECEIPTS

1. Individual Contributions:

a. Itemized (from Schedule A) \$ 1475.00 (1a)

b. Not-Itemized..... \$ - (1b)

2. Transfers In:

a. Itemized (from Schedule A) \$ - (2a)

b. Not-Itemized..... \$ - (2b)

3. Loans Received:

a. Itemized (from Schedule A) \$ - (3a)

b. Not-Itemized..... \$ - (3b)

4. Other Receipts:

a. Itemized (from Schedule A) \$ - (4a)

b. Not-Itemized..... \$ - (4b)

TOTAL RECEIPTS (1-4) \$ 1475.00

\*\*\*\*\*

5. In-Kind Contributions:

a. Itemized (from Schedule I) \$ 1323.48 (5a)

b. Not-Itemized \$ - (5b)

TOTAL IN-KIND \$ 1323.48

#### SECTION B - EXPENDITURES

6. Transfers Out:

a. Itemized (from Schedule B) \$ - (6a)

b. Not-Itemized..... \$ - (6b)

7. Loans made:

a. Itemized (from Schedule B) \$ - (7a)

b. Not-Itemized..... \$ - (7b)

8. Expenditures:

Itemized (from Schedule B) \$ 9408.19 (8a)

Not-Itemized..... \$ - (8b)

TOTAL EXPENDITURES (6-8) \$ 9408.19

#### SECTION C - DEBTS AND OBLIGATIONS

(Include previously reported unpaid debts)

9. a. Itemized (from Schedule C) \$ - (9a)

b. Not-Itemized..... \$ - (9b)

TOTAL DEBTS & OBLIGATIONS \$ -

#### SECTION D - CASH BALANCE

Funds available at the beginning of the reporting period: \$ 8,294.20 (A)

Total Receipts (Section A) \$ 1475.00 (B)

Subtotal \$ 9769.20 (C)

Total Expenditures (Section B) \$ 9408.19 (D)

Funds available at the close of the reporting period: \$ 361.01 (E)

\*\*\*\*\*

INVESTMENT TOTAL \$ - (F)

I DECLARE THAT THIS REPORT OF CAMPAIGN CONTRIBUTIONS OR THIS SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND COMPLETE REPORT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE REPORT IS A BUSINESS OFFENSE SUBJECT TO A FINE OF UP TO \$500.

SIGNATURE OF TREASURER OR CANDIDATE: Kimberly A. May-Manton DATE: 07/17/07

NAME OF POLITICAL COMMITTEE:

Community Party of Homer Park  
HKA Unity Party of Homer Park

REPORTING PERIOD

01/01/07

06/30/07

FROM

THRU

FOR OFFICE USE ONLY

## SCHEDULE A

INDICATE THE PART OF FORM D-2 BEING ITEMIZED:

☒ PART 1-INDIVIDUAL CONTRIBUTIONS  
INCLUDING TICKETS AND RAFFLE SALES☐PART 3- LOANS RECEIVED  
INCLUDING  
ENDORSER☐ PART 2-TRANSFERS IN  
POLITICAL COMMITTEE CONTRIBUTIONS  
INCLUDING TICKET AND RAFFLE SALES☐

PART 4- OTHER RECEIPTS

POLITICAL COMMITTEE

IDENTIFICATION NO.

L1227

12

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

ITEMIZED RECEIPTS FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE RECEIVED	AMOUNT OF EACH RECEIPT \$50.00	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
Regal Automotive Collision Repair 31 Ardmore Drive East Homer Park, IL 60133	4/25/07	Regal Automotive Collision EMPLOYER:	Self Employed OCCUPATION:
John McCarice Packham 21 Edinburg Lane Homer Park, IL 60133	4/18/07	Aspect Software EMPLOYER: 475.00	Mgr Sales Administration OCCUPATION:
Margaret S. Packham Spur Lane Homer Park, IL 60133	4/7/07	200.00 EMPLOYER: Retired	OCCUPATION:
John McCarice Packham 21 Edinburg Lane Homer Park, IL 60133	4/7/07	Aspect Software EMPLOYER: 150.00	Mgr Sales Administration OCCUPATION:
Joseph Nicolosi Ardmore Drive Homer Park, IL 60133	5/1/07	500.00 EMPLOYER: Pacific Life Insurance	Regional V.P. Sales OCCUPATION:
		EMPLOYER:	OCCUPATION:
		EMPLOYER:	OCCUPATION:
		EMPLOYER:	OCCUPATION:

SEE SEPARATE PAGE(S) FOR EACH NUMBERED PART

TOTAL THIS PERIOD \$ 1,475.00  
(LAST PAGE OF THIS PART ONLY)THIS FORM MAY BE REPRODUCED  
SEE INSTRUCTIONS ON REVERSE SIDE

PAGE 1

206

**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections

**Complainant**

v.

**07 AE 004  
07 AE 020**

Citizens for Cole

L 9291

**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment for Delinquently Filing  
Schedule A-1 Reports for the 2007 Consolidated Election

Case number **07 AE 004** shall, at the request of the Respondent, be consolidated with Case number **07 AE 020**. Case number **07 AE 020** merely adds one more violation to those addressed in **07 AE 004**.

**07 AE 004:** This Committee received six in-kind contributions from the IL Republican Party and listed them on Schedule A-1 forms filed delinquently. They are as follows: (1) an in-kind contribution described as payroll, valued at \$1378.31, received 3/30/07, but listed on a Schedule A-1 filed 4/11/07; (2) an in-kind contribution described as payroll, valued at \$1529.72, received 3/30/07, but listed on a Schedule A-1 filed 4/11/07; (3) an in-kind contribution described as health insurance, valued at \$428.28, received 4/2/07, but listed on a Schedule A-1 filed 4/11/07; (4) an in-kind contribution described as payroll taxes, valued at \$1146.40, received 4/4/07, but listed on a Schedule A-1 filed 4/11/07; (5) an in-kind contribution described as payroll, valued at \$1378.31, received 4/13/07, but listed on a Schedule A-1 filed on 4/18/07; and (6) an in-kind contribution described as payroll, valued at \$1161.51, received 4/13/07, but listed on a Schedule A-1 filed on 4/18/07.

**07 AE 020:** This Committee received one in-kind contribution described as mileage and payroll, valued at \$619.01, received 3/30/07, from the IL Republican Party, but failed to list it on a Schedule A-1. The total assessment taking into consideration both cases is \$7641.54.

Brad Cole, the Chairman of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Cole referenced an attached statement. Mr. Cole apologizes for the late filings stating that this was an extra-ordinary campaign for a local committee and it rests upon him to make sure the reports are timely filed. His defense is that the rules for campaign filings are somewhat confusing and his help is voluntary. He goes on to state that when he received the in-kind contributions, he did not know they were actually late. He thought that since the in-kind contributions were reported as having been donated by the Illinois Republican

Party, that the obligation to report was met. Further, some of the donation details were not known to him until they were reported, meaning that he simply didn't have the details any further in advance to submit them earlier. Such was the case with the two reports that were filed one day late, according to Board records, the two received on 4/13/07. He states that this is likely the last election in which he will participate and this committee will have no more significant activity. After all his bills were paid, he has less than \$500 in remaining funds. He states that he did his best to comply with all rules and regulations, admits there were some problems, but nothing intentional and nothing that was not actually reported.

On 9/6/07, I contacted Mr. Cole via the telephone. He stated that he received notification via e-mail with the notification forms attached. He misunderstood; from looking at the form, he thought that they had been filed. He didn't realize that the staff person sent from the IRP to assist in his campaign constituted an in-kind contribution – he just thought it was their job. He didn't realize that the supplies and food and other things listed as in-kinds were actually in-kinds. I requested that he try to document when he received notification, perhaps by contacting the contributor, but as of this date, I have received no additional information or documentation.

Section 100.120(c) of the Board Rules and Regulations reads in part: *"...A contribution of services is deemed to be made on the date the services are actually performed..."* From Mr. Cole's affidavit and his own words, it appears that he simply did not understand what an in-kind contribution was and that it was something that his committee needed to report. Although he didn't realize he was doing anything wrong, I must recommend that the appeal be denied for lack of an adequate defense. However, since this was the first election for which this committee has been assessed penalties, and there is no indication that these violations were anything other than inadvertent and unintentional, I also recommend that the penalty be reduced to 10% of the original assessment, or \$764. If this recommendation is accepted by the Board, this amount is due and owing.



---

Sharon Steward – Hearing Officer

October 3, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



BOARD MEMBERS  
Jesse Smart, Chairman  
Wanda Rednour, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Albert Porter  
Bryan Schneider  
Robert Walters

EXECUTIVE DIRECTOR  
Daniel W. White  
July 9, 2007

Citizens for Cole  
Brad Cole  
PO Box 1071  
Carbondale, IL 62903

L9291

Dear Citizens for Cole;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Il Republican Party	4/13/07	\$1378.31	\$1378.31	4/18/07	1
Il Republican Party	4/13/07	\$1161.51	\$1161.51	4/18/07	1
Il Republican Party	3/30/07	\$1378.31	\$1378.31	4/11/07	6
Il Republican Party	3/30/07	\$1529.72	\$1529.72	4/11/07	6
Il Republican Party	4/2/07	\$428.28	\$428.28	4/11/07	5
Il Republican Party	4/4/07	\$1146.40	\$1146.40	4/11/07	3

The committee is fined a **total** of \$7022.53 for delinquent filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

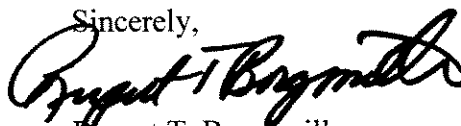
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$703.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. *If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.* Notice of Appeal must be filed within 30 days of the mailing of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

\* This contribution was reported on the April 2007 Pre-election Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

\*\* This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois )  
County of \_\_\_\_\_ )

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11-12-08 BY 60324

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. )  
Citizens for Cole )  
Respondent(s). )

Case No. 01AE004

APPEAL AFFIDAVIT

I, Brad Cole, the Chairman of the  
(Name) (Chairman/Treasurer)  
Citizens for Cole (L-9291)  
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

please see attached statement

Signed and Sworn to by:

Brad Cole  
before me this 27 Day of  
July, 2007

[Signature]  
Notary Public

[Signature]  
(Signature of Chairman/Treasurer)

"OFFICIAL SEAL"  
Faith O. Johnson  
Notary Public, State of Illinois  
My Commission Expires 10/16/10

State of Illinois )  
 )  
County of \_\_\_\_\_ )

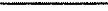
BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
 )  
Vs. ) Case No. \_\_\_\_\_  
Citizens for Cole )  
\_\_\_\_\_  
Respondent(s). )

## WAIVER OF APPEARANCE

I, Brad Cole, the Chairman of the  
(Name) (Chairman/Treasurer)  
Citizens for Cole (L-9291)  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

  
(Signature of Chairman/Treasurer)

Appeal to the State Board of Elections  
Citizens for Cole (L-9291)  
July 27, 2007

I have been notified that my committee has failed to notify the State Board of Elections for six separate Schedule A-1 reports during this immediately past campaign cycle. The reports range from one day late to six days late.

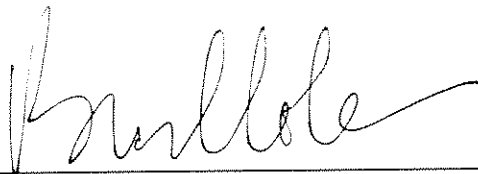
First, let me apologize. This was an extra-ordinary campaign for a local committee and it rests on me to make sure the reports are filed in a timely basis. The fact that it did not happen is not in dispute, as the letter from the State Board of Elections seems rather complete.

Second, in defense and as reason for this appeal, the rules for campaign filings are somewhat confusing. I file my reports with volunteer assistance and none of us are professionals in report filing. When I received the in-kind contributions that appear to have been reported late, I did not know that they were actually late. I thought that since the in-kind contributions were reported as having been donated (by the Illinois Republican Party), that the obligation to report was met. Further, some of the donation details were not known to me until they were reported, meaning that I simply didn't have the details any further in advance to submit them earlier. Such was the case with the two reports that were filed one day late, according to your records.

Third, this will likely be the last election that I participate in and this committee will have no more significant activity past this current reporting cycle. After all bills have now been paid, since my semi-annual report was filed, there is less than \$500 in funds available. This is not enough to cover the expense of the 10% fine that is being assessed at a minimum.

I respectfully request your consideration of these circumstances and would ask for the civil penalty to be waived in full. I have tried my best to comply with all rules and regulations. I will admit that there have been some problems, but nothing that was intentional and nothing wasn't actually reported... the matter is just when things were reported, with an error rate in this case of less than a week.

Thank you for your understanding. I will accept your decision without further complaint, whatever it may be.



---

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



BOARD MEMBERS  
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Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

Citizens for Cole  
Brad Cole  
PO Box 1071  
Carbondale, IL 62903

L9291

Dear Citizens for Cole;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
IL Republican Party	3/30/07	\$619.01	\$619.01	*not filed	

The committee is fined a **total** of \$619.01 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

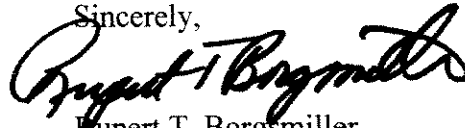
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$62.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the mailing of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

\* This contribution was reported on the June 2007 Semi-annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

\*\* This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois )  
County of \_\_\_\_\_ )

11-01-07  
019-10-17-046

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. )  
Citizens for Cole )  
Respondent(s). )

Case No. 07AE0210

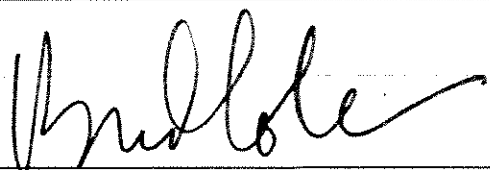
APPEAL AFFIDAVIT

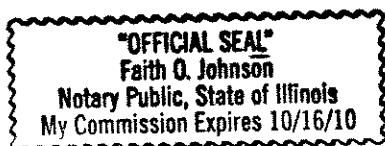
I, Brad Cole, the Chairman of the  
(Name) (Chairman/Treasurer)  
Citizens for Cole (L-9291)  
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

please see attached statement  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed and Sworn to by:  
Brad Cole  
before me this 17th Day of  
September, 2007  
Faith Q. Johnson  
Notary Public

  
(Signature of Chairman/Treasurer)



State of Illinois )  
 )  
County of \_\_\_\_\_ )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )

Vs. )  
Citizens for Cole )  
Respondent(s). )

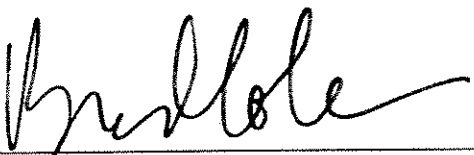
Case No. \_\_\_\_\_

WAIVER OF APPEARANCE

I, Brad Cole, the Chairman of the  
(Name) (Chairman/Treasurer)

Citizens for Cole (L-9291)  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

  
(Signature of Chairman/Treasurer)



September 17, 2007

I am attaching a copy of a statement that was prepared for another appeal that is pending; please consolidate these matters before the hearing officer and Board.

Thank you.

POST OFFICE BOX 218 CARBONDALE, ILLINOIS 62903

*Paid for by Citizens for Cole. A copy of our report, filed with the State Board of Elections is, or will be, available for purchase from the State Board of Elections, Springfield, Illinois. Contributions, or gifts to the organization, are not deductible as charitable contributions for federal income tax purposes.*

Appeal to the State Board of Elections  
Citizens for Cole (L-9291)  
July 27, 2007

I have been notified that my committee has failed to notify the State Board of Elections for six separate Schedule A-1 reports during this immediately past campaign cycle. The reports range from one day late to six days late.

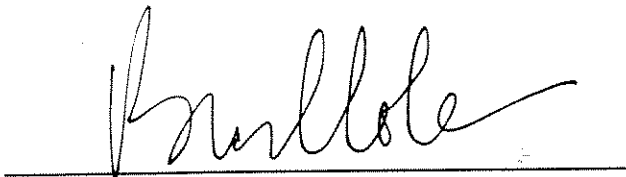
First, let me apologize. This was an extra-ordinary campaign for a local committee and it rests on me to make sure the reports are filed in a timely basis. The fact that it did not happen is not in dispute, as the letter from the State Board of Elections seems rather complete.

Second, in defense and as reason for this appeal, the rules for campaign filings are somewhat confusing. I file my reports with volunteer assistance and none of us are professionals in report filing. When I received the in-kind contributions that appear to have been reported late, I did not know that they were actually late. I thought that since the in-kind contributions were reported as having been donated (by the Illinois Republican Party), that the obligation to report was met. Further, some of the donation details were not known to me until they were reported, meaning that I simply didn't have the details any further in advance to submit them earlier. Such was the case with the two reports that were filed one day late, according to your records.

Third, this will likely be the last election that I participate in and this committee will have no more significant activity past this current reporting cycle. After all bills have now been paid, since my semi-annual report was filed, there is less than \$500 in funds available. This is not enough to cover the expense of the 10% fine that is being assessed at a minimum.

I respectfully request your consideration of these circumstances and would ask for the civil penalty to be waived in full. I have tried my best to comply with all rules and regulations. I will admit that there have been some problems, but nothing that was intentional and nothing wasn't actually reported... the matter is just when things were reported, with an error rate in this case of less than a week.

Thank you for your understanding. I will accept your decision without further complaint, whatever it may be.

A handwritten signature in dark ink, appearing to read "Paul Cole", is written over a horizontal line.

**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections

**Complainant**

v.

**07 JS 076**

Citizens for Cappleman

L 13487

**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment For Delinquently Filing the  
2007 June Semi-Annual Report

The Report was received on August 31, 2007, 23 days late, resulting in a civil penalty assessment of \$1150.

Patricia E. Sullivan, the Chairman/Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Ms. Sullivan stated that she would like to apologize for being late with this important matter. The volunteer responsible for reporting this information (Ms. Cindi Anderson) had a great deal of difficulty downloading the IDIS software. Ms. Anderson had several conversations with the Board regarding the problems before the due date. Efforts to download the software were finally resolved and the report was later filed. Steps are being taken so that this will not happen again.

In order to get more information regarding efforts by Cindi Anderson to file electronically, I contacted her by phone. Ms. Anderson explained that she had difficulty filing her first electronic filing, that being the 2006 December Semi-Annual report and finally, with staff assistance, e-mailed the file to a Campaign Disclosure staff member, and that staff member uploaded the filing for her. In regards to the report in question, the 2007 June Semi-Annual Report, she was unaware that the report was due the 20<sup>th</sup> and thought it was due the 31<sup>st</sup> as in prior years. She worked with Board staff again around the 31<sup>st</sup> of July and resolved one issue regarding administrative rights on the computer, but did not file at that time. When she got the delinquency letter from the Board dated August 2<sup>nd</sup>, she misinterpreted it, and thought she had an additional 30 days to file rather than the 30 days to appeal as indicated in the letter. Since she was operating under this misunderstanding, she allowed approximately another two weeks to go by before addressing the software again. She worked with staff again and after entering 'filed on' dates on all of her reports, she successfully uploaded the report. Ms. Anderson stated that since they were all volunteers, it was hard to get back to attending to detail after the election. That and the fact that she misinterpreted the delinquency letter seemed to be the primary reasons for this delinquent filing.

Although the Board has been lenient with committees filing electronically and using electronic filing issues as a defense, I recommend that the appeal be denied. Ms. Anderson admits that as volunteers, they perhaps didn't give the filing the attention it deserved. In addition, after she worked on the report the first time, she allowed approximately another two weeks to lapse before getting back to work on it. The report went un-filed until the end of August. Since there is an electronic filing issue involved, if the Committee had attempted to file at or near the time of the filing deadline, I would recommend that it be granted. However, since no attempt was made to file the report during the first two weeks of August, I recommend that the appeal be denied. As a first violation, the penalty is stayed.

A handwritten signature in cursive script, appearing to read "Sharon Steward", is written over a horizontal line.

Sharon Steward – Hearing Officer  
October 17, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

Citizens for Cappleman  
Patricia Sullivan  
4729 N Kenmore #1  
Chicago, IL 60640

L13487

Dear Citizens for Cappleman;

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	Semiannual Report of Campaign Contributions and Expenditures
Report Period:	January 1, 2007 through June 30, 2007
Filing Period:	July 2, 2007 through July 20, 2007

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received by the Board on August August 31, 2007, 23 day(s) late. As such, this committee has been assessed a fine of \$1150.00.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

Since this is a first time violation, the assessed civil penalty will be *stayed*. Any subsequent violation of any provision of Article 9 of the Election Code or of a Board Order shall result in the assessment of an additional penalty as provided in Section 125.425 of the Rules and Regulations governing the State Board of Elections, with that civil penalty and any previously assessed penalty to be paid within 30 days. Therefore, you need not pay this assessed civil penalty unless another violation occurs.

If you have questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm  
Enclosure(s): appeal forms

State of Illinois )

County of COOK )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )

ILLINOIS STATE BOARD OF ELECTIONS, )

Complainant )

Vs. )

Case No 07JS076

CITIZENS FOR CAPPLEMAN  
Respondent(s).

APPEAL AFFIDAVIT

I, PATRICIA E SULLIVAN, the Chairman / Treasurer of the  
(Name) (Chairman/Treasurer)

CITIZENS FOR CAPPLEMAN

(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

I would like to apologize for being late with this important matter. The volunteer responsible for reporting this information (Mr. Lind Anderson) had a great deal of difficulty downloading the IEB software. Mr. Anderson had several conversations w/ the Board of Elections regarding the problems before the due date. Efforts to download the software were finally resolved and the report was later filed. Steps are being taken so that this will not happen again. Your presence with us will be appreciated.

Signed and Sworn to by:

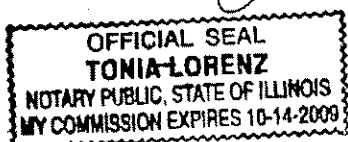
PATRICIA E. SULLIVAN

before me this 3rd Day of

October, 2007

Tonia Lorenz  
Notary Public

Patricia E Sullivan  
(Signature of Chairman/Treasurer)



State of Illinois )  
 )  
County of COOK )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF: )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
 )  
Vs. )  
CITIZENS FOR CAPPLEMAN )  
Respondent(s). )

Case No. \_\_\_\_\_

WAIVER OF APPEARANCE

I, Patricia E. Sullivan, the Chairman/Treasurer of the  
(Name) (Chairman/Treasurer)  
CITIZENS FOR CAPPLEMAN  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

Patricia E. Sullivan  
(Signature of Chairman/Treasurer)

**STATE OF ILLINOIS  
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections  
**Complainant**

Vs.

**07 AC 029**

Fioretti for Alderman L13544  
**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment for Failure to File Schedule A-1's  
For the 2007 Consolidated Primary Election

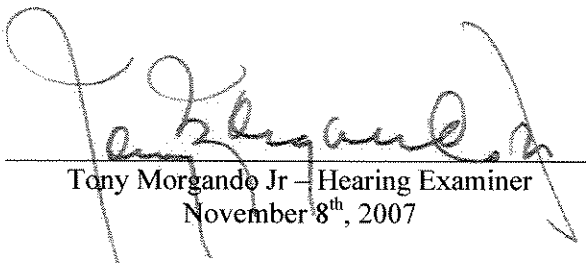
According to the political committee's June 2007 Semi Annual Report, it received contributions during the Schedule A-1 filing period, January 29<sup>th</sup>, 2007 through and including February 26<sup>th</sup>, 2007, and failed to report them as required by statute. A total of sixteen (16) contributions were deemed late. The political committee was assessed a civil penalty of \$26,250.00.

Mr. Richard J. Daniels, Treasurer, filed a Request for Hearing and Appeal Affidavit, on July 20<sup>th</sup>, 2007, indicating: "I entered in the wrong dates of receipt & thus caused a reporting error".

By request of Mr. James Nally, counsel, the original hearing was rescheduled for November 6<sup>th</sup>, 2007, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 10:00 a.m.

Mr. Richard Daniels, Treasurer, and Mr. James Nally, Counsel, appeared on behalf of the political committee. Mr. Daniels indicated that the dates of the individual contributions, as reported on the June 2007 Semi-Annual Report, were the dates the checks were issued, rather than the date of receipt. Mr. Daniels further stated that the four (4) in-kind contributions were reported as the date such services were provided, rather than the date the political committee received notice of such in-kind contributions.

The Hearing Examiner notes that prior to the initial hearing date, Thursday, September 6<sup>th</sup>, 2007, an email was sent to Mr. Richard Daniels (enclosed) from the Hearing Examiner, indicating "In order to expedite the hearing, I would request that cancelled checks related to assessed contributions, reflecting date of issuance and deposit, be available for review. If additional time is required to secure these materials, please contact my office to reschedule". Regretfully, after an eight (8) week extension of the original hearing, these documents were unavailable to the Hearing Examiner for review. Also, the committee's treasurer failed to provide any additional information to substantiate the actual date of receipt of the contributions in question. Therefore, it is the opinion of the Hearing Examiner that no reasonable grounds exist for the political committee to have failed to file required Schedule A-1's and it is the recommendation of the Hearing Examiner that the appeal be denied. Since this is the first delinquent Schedule A-1 filing by the political committee, the civil penalty shall be automatically reduced to \$2,625.00 (10% of the total amount reflected above) and is due and owing.

  
Tony Morgando Jr - Hearing Examiner  
November 8<sup>th</sup>, 2007

**Morgando, Tony**

---

To: Rich Daniels  
Cc: Borgsmiller, Rupert  
Subject: Floretti for Alderman - Appeal of Civil Penalty

I have reviewed the Appeal Affidavit filed on behalf of the above stated political committee, which is scheduled for hearing on Thursday, September 6th, 2007, at 9:30 a.m. In order to expedite the hearing, I would request that cancelled checks related to assessed contributions, reflecting date of issuance and deposit, be available for review. If additional time is required to secure these materials, please contact my office to reschedule.

TONY MORGANDO JR.  
Ill. State Board of Elections  
(312) 814-6456

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



BOARD MEMBERS  
Jesse Smart, Chairman  
Wanda Rednour, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Albert Porter  
Bryan Schneider  
Robert Walters

EXECUTIVE DIRECTOR  
Daniel W. White  
July 9, 2007

Fioretti for Alderman  
429 S Dearborn St  
Chicago, IL 60605

L13544

Dear Fioretti for Alderman;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Cub Terminal LLC	2/26/07	\$1000.00 ✓	\$1000.00	*not filed	1
Rich Daniels	2/23/07	\$10000.00 ✓	\$10000.00	*not filed	1
Traurig Greenberg	2/26/07	\$1000.00 ✓	\$1000.00	*not filed	1
Gregory Kulis & Assoc Ltd	2/26/07	\$2000.00 ✓	\$2000.00	*not filed	1
Law offices of Serpe Dizonno & Assoc	2/26/07	\$1000.00 ✓	\$1000.00	*not filed	1
John Lower	2/26/07	\$2500.00 ✓	\$2500.00	*not filed	1
Mark McCombs	2/26/07	\$1000.00 ✓	\$1000.00	*not filed	1
Nicki Pecori	2/26/07	\$1000.00 ✓	\$1000.00	*not filed	1
Stoller & Gartski	2/26/07	\$1000.00 ✓	\$1000.00	*not filed	1
Titan Funding LLC	2/26/07	\$1000.00 ✓	\$1000.00	*not filed	1
Zimmerman & Assoc PC	2/26/07	\$1000.00 ✓	\$1000.00	*not filed	1
Peter Ziv	2/19/07	\$1000.00 ✓	\$1000.00	*not filed	1
Unite Here Local 1	2/22/07	\$687.50 ✓	\$687.50	*not filed	1
Unite Here Local 1	2/1/07	\$687.50 ✓	\$687.50	*not filed	14
Unite Here Local 1	2/8/07	\$687.50 ✓	\$687.50	*not filed	9
Unite Here Local 1	2/15/07	\$687.50 ✓	\$687.50	*not filed	5

The committee is fined a **total** of \$26250.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$2625.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the mailing of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,  
  
Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

\* This contribution was reported on the April 2007 Pre-election Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

\*\* This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois )  
County of Cook )

CHICAGO  
'07 JUL 20 AM 11:00  
STATE BOARD OF ELECTIONS

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. )  
FIORETTI FOR ALDERMAN )  
Respondent(s). )

Case No. 01 AC 029

APPEAL AFFIDAVIT

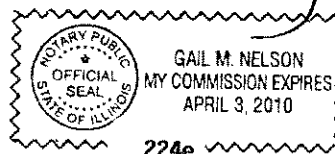
I, RICHARD J. DANIELS, the TREASURER of the  
(Name) (Chairman/Treasurer)  
FIORETTI FOR ALDERMAN  
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

I ENTERED IN THE WRONG DATES  
OF RECEIPT & THUS CAUSED A REPORTING  
ERROR

Signed and Sworn to by:  
GAIL NELSON  
before me this 20 Day of  
JULY, 2007  
Gail Nelson  
Notary Public

[Signature]  
(Signature of Chairman/Treasurer)



State of Illinois )  
 )  
County of COOK )

CHICAGO  
'07 JUL 20 AM 11:00  
STATE BOARD OF ELECTIONS

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

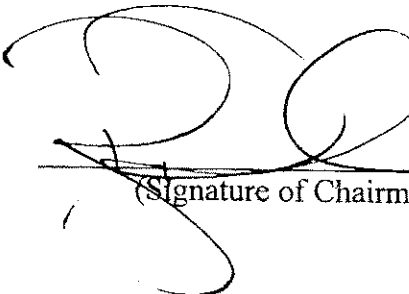
IN THE MATTER OF; )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
 )  
Complainant )  
 )  
Vs. )  
 )  
FIORETTI FOR ALDERMAN )  
 )  
Respondent(s). )

Case No. \_\_\_\_\_

REQUEST FOR HEARING

I, RICHARD I. DANIELS, the TREASURER  
(Name) (Chairman/Treasurer)  
FIORETTI FOR ALDERMAN  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee requests a public hearing at which it will appear to offer reasons and defenses why the proposed assessment should not be imposed.

  
(Signature of Chairman/Treasurer)

STATE OF ILLINOIS            )  
                                      )       SS  
COUNTY OF COOK            )

**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

**In the Matter of:**

Illinois State Board of Elections            )

Complainant(s)                                )

**Vs.**    )

Board File No. 07 AC 029

Fioretti for Alderman                        )

Respondent(s)                                 )

**NOTICE OF APPEAL HEARING**

TO:   Fioretti for Alderman  
      407 S Dearborn St, Ste 1260  
      Chicago, IL 60605

L13544

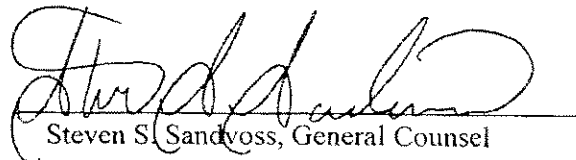
Please take notice that in accordance with Rule 125.425 (f), and by the power vested in me, the Appeal Hearing to be conducted in the above captioned matter is set for September 6, 2007 at 10:00 A.M. at the State Board of Elections, 100 W Randolph, Suite 14-100, Chicago IL.

You are hereby notified that pursuant to the provisions of "An Act to Regulate Campaign Financing" (10 ILCS 5/9-1 et. seq.) and Rules and Regulations adopted pursuant thereto, the following person is hereby appointed Hearing Examiner to conduct the Appeal Hearing concerning the above-captioned matter.

NAME:           Tony Morgando  
ADDRESS:       100 W Randolph, Suite 14-100  
CITY/STATE:    Chicago, Illinois  
TELEPHONE:     312/814-6456

The parties have the right to be represented by legal counsel in any proceeding conducted by the State Board of Elections. Any party involved in any proceeding has the right to the presence and participation of additional persons, in addition to, or instead of an attorney, in order to provide technical assistance and consultation. Please contact the Hearing Examiner at the number listed above prior to the date of your hearing to confirm the date and time.

DATED: August 22, 2007

  
Steven S. Sandvoss, General Counsel



**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

**Complainant: ILLINOIS STATE BOARD OF ELECTIONS**

**vs.**

**Respondent CITIZENS FOR PETER ZELCHENKO**

**Bd File No. 07 CP 031**

**Procedural History**

The Respondent was assessed a \$500 fine due to its failure to file the Pre-Election Report for the Chicago Municipal Election. Following the assessment of the \$500 penalty on September 4, 2007, Respondent filed an appeal and accompanying affidavit on October 1, 2007. The Respondent had previously been assessed a \$5,000 civil penalty due to the delinquent filing of its 2006 December Semi-Annual Report. Therefore, the Respondent's total unpaid assessment is \$5,500. The hearing on this matter was scheduled for October 25, 2007 at 3:00 p.m. at the State Board of Elections' Chicago office with the hearing examiner to be present in Springfield by teleconference. The Respondent did not appear or communicate that it would not appear.

**Complainant's Case-in-Chief**

The Respondent filed a Statement of Organization September 21, 2006 and a statement of non-participation for the 2006 general election soon thereafter. It did not file any further documentation with the State Board of Elections until June 27, 2007, when it filed a late Semi-Annual Report. The instant matter relates to the Respondent's failure to file a Pre-Election Report relating to the Chicago Municipal Election. Complainant's staff sent the Respondent several reminders of its responsibilities after it filed the statement of organization and during the time periods in which its reports were due. However, the only communication it received from the Respondent were letters dated February 12, and February 16, 2007 which stated that the Respondent did not consider itself a political committee and filed to become one due to a requirement of a bank at which it wanted to open an account. However, when the Respondent ultimately filed its semi-annual reports for December, 2006 and June, 2007, it listed expenditures of more than \$3,000 from money primarily raised through loans.

## **Respondent's Case-in-Chief**

Respondent submitted an affidavit in support of its appeal. It provides the only argument in opposition. In the affidavit, Respondent argues that:

“Citizens for Peter Zelchenko” was not a political committee(sic) at the time of the alleged filing violations, according to the plain language of the statute at 10 ILCS 5/9-1.7, and therefore(sic) was not in violation of any disclosure requirements at the time alleged.

## **CONCLUSIONS AND RECOMMENDATIONS**

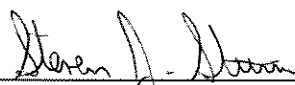
The Respondent filed a Statement of Organization with the State Board of Elections on September 21, 2006, yet it now claims that it is not subject to the jurisdiction of the State Board of Elections for purposes of enforcement. It has been the position of this Board that any organization that voluntarily files as a committee submits to the jurisdiction of this Board and this case presents no basis for deviation from that position. Moreover, the D-2 semi-annual report filed by the Respondent on June 27, 2007 indicates that the Respondent has expenditures of \$7,714.12 for the reporting period. This directly contradicts the Respondent's assertion in its appeal affidavit that it does not meet the definition of a “local political committee” under 10 ILCS 5/9-1.7. The failure of any representative of the Respondent to appear for the scheduled hearing on October 25, 2007 leaves me with no opportunity to allow for a possibility of the coexistence of these seemingly contradictory statements.

The timing of the Respondent's February, 2007 letters indicates that it was aware of the responsibility it bore to file a Pre-Election report detailing expenditures and donations that led up to the Municipal Election. Moreover, Peter Zelchenko was a candidate for Alderman in the City of Chicago at the 2007 Chicago Municipal Election, meaning that the public policy bases requiring the filing of a Pre-Election report were particularly strong in this case.

The only factor in mitigation is that the Respondent filed a final report with its delinquent semi-annual report on June 27, 2007. However, that is not enough to offset the Respondent's voluntary filing of a Statement of Organization and Semi-Annual Report given that each document is sufficient to establish the jurisdiction of this Board over the Respondent and the accompanying requirement that the Respondent follow the procedures incumbent upon every other political committee.

I recommend that the appeal be denied.

Should this recommendation be accepted by the Board, the stay will be lifted from the Respondent's previously assessed penalty. The total amount due and owing would be \$5,500. In addition, since this Committee has filed a Final Report, I further recommend that should the Committee remain dissolved for a period of 2 years following the date of the Final Order imposing this penalty, all fines should be abated.

  
\_\_\_\_\_  
Steven J. Sturm  
Hearing Examiner

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street  
Springfield, Illinois 62704  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

Citizens for Peter Zelchenko  
Peter Zelchenko  
2225 N Lincoln Ave  
Chicago, IL 60614

L13601

Dear Citizens for Peter Zelchenko:

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	Pre-Election Report of Campaign Contribution and Expenditures
Report Period:	January 1, 2007 through January 28, 2007
Filing Period:	January 29, 2007 through February 13, 2007

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on June 27, 2007, 9 day(s) late. As such, this committee has been assessed a fine of \$500.00.

Enclosed please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

If the above listed violation is not appealed and since this is a subsequent violation the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days of the issuance of a Final Board Order:

Reporting Period	Report Type	Previous Fine Amount
7/1/2006 – 12/31/2006	Semi-annual	\$5000.00
<b>TOTAL AMOUNT NOW DUE</b>		<b>\$5500.00</b>

If you have any questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert T. Borgsmiller".

Robert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm  
Enclosure(s) appeal documents

STATE OF ILLINOIS       )  
                                  )  
COUNTY OF COOK        )

SS

**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

**In the Matter of:**

Illinois State Board of Elections

Complainant(s)

**Vs.**

Citizens for Peter Zelchenko

Respondent(s)

Board File No. 07 CP 031

**NOTICE OF APPEAL HEARING**

TO: Citizens for Peter Zelchenko  
Peter Zelchenko  
2225 N Lincoln Ave  
Chicago, IL 60614

L13601

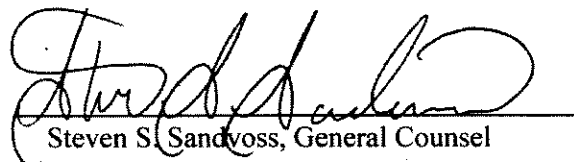
Please take notice that in accordance with Rule 125.425 (f), and by the power vested in me, the Appeal Hearing to be conducted in the above captioned matter is set for October 25, 2007 at 3:00 P.M. at the State Board of Elections, 100 W Randolph, Suite 14-100, Chicago IL. This hearing will be conducted via videoconference with the Hearing Officer being located in Springfield office of the Board of Elections.

You are hereby notified that pursuant to the provisions of "An Act to Regulate Campaign Financing" (10 ILCS 5/9-1 et. seq.) and Rules and Regulations adopted pursuant thereto, the following person is hereby appointed Hearing Examiner to conduct the Appeal Hearing concerning the above-captioned matter.

NAME: Steve Sturm  
ADDRESS: 1020 South Spring Street  
CITY/STATE: Springfield, Illinois  
TELEPHONE: 217/558-1955

The parties have the right to be represented by legal counsel in any proceeding conducted by the State Board of Elections. Any party involved in any proceeding has the right to the presence and participation of additional persons, in addition to, or instead of an attorney, in order to provide technical assistance and consultation. Please contact the Hearing Examiner at the number listed above prior to the date of your hearing to confirm the date and time.

DATED: October 12, 2007

  
Steven S. Sandvoss, General Counsel

State of Illinois )  
County of Cook )

STATE BOARD OF ELECTIONS  
07 OCT -1 PM 2:23

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. )  
Citizens for Peter Zelchenko )  
Respondent(s). )

Case No. 07CP031

APPEAL AFFIDAVIT

I, Peter Zelchenko, the Chairman of the  
(Name) (Chairman/Treasurer)  
Citizens for Peter Zelchenko  
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

That "Citizens for Peter Zelchenko" was not a political committee  
at the time of the alleged filing violations, according to the plain  
language of the statute at 10 ILCS 5/9-1.7, and therefore  
was not in violation of any disclosure requirements at the  
time alleged.

Signed and Sworn to by:

before me this 26 Day of  
September, 2007

Notary Public

[Signature]  
(Signature of Chairman/Treasurer)



State of Illinois )  
 )  
County of \_\_\_\_\_ )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF;

ILLINOIS STATE BOARD OF ELECTIONS,

Complainant

Vs.

Citizens for Peter Zelchenko

Respondent(s).

Case No. \_\_\_\_\_

## REQUEST FOR HEARING

I, Peter Zelchenko, the Chairman  
(Name) (Chairman/Treasurer)

Citizens for Peter Zelchenko  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee requests a public hearing at which it will appear to offer reasons and defenses why the proposed assessment should not be imposed.

(Signature of Chairman/Treasurer)

**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections

**Complainant**

v.

**07 AE 006**

Committee to Elect Edward "Ed" Russell

L 13781

**Respondent**

**REPORT OF HEARING EXAMINER**

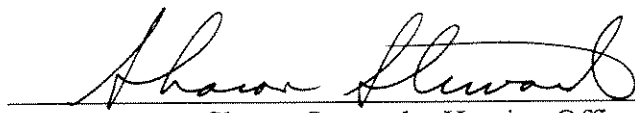
Appeal of Civil Penalty Assessment For Failing to File  
A Schedule A-1 for the 2007 Consolidated Election

This Committee received three contributions of \$1000 each on 3/20/07, 4/4/07, and 4/2/07, for a total of \$3000, but failed to list them on a Schedule A-1. In addition, this Committee had been assessed a civil penalty of \$1000 (not appealed, not paid) for delinquent filing the Pre-Election Report for the 2007 Consolidated Primary Election; a civil penalty of \$100 (not appealed, reduced, paid) for failing to file a Schedule A-1 for the 2007 Consolidated Election; and a second civil penalty of \$100 (not appealed, reduced, paid) for failing to file a Schedule A-1 for the 2007 Consolidated Election. The total assessment is \$4000.

Angela Russell Perry, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Ms. Russell stated that the Committee held a fundraiser on 4/6/07; these contributions in question were received on that date. She posted the date on the check instead of the contribution date. It was an oversight on her part. On Richard Gaines' check she posted the wrong date. Attached are copies of the checks in question.

I recommend that the appeal be denied for lack of an adequate defense. Ms. Russell stated that these checks were received on the date of the fundraiser, April 6, 2007. This was during the 30 days prior to the election during which such contributions were required to be reported on a Schedule A-1. No Schedule A-1 was filed. However, since there is no indication that these violations were anything other than inadvertent and unintentional, and since this was the first election for which this Committee failed to file required A-1s, I also recommend that the penalty be reduced to 10% of the original assessment, or \$300. If this recommendation is accepted by the Board, the civil penalty of \$1300 will be due and owing.

  
\_\_\_\_\_  
Sharon Stewart – Hearing Officer  
October 3, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



BOARD MEMBERS  
Jesse Smart, Chairman  
Wanda Rednour, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Albert Porter  
Bryan Schneider  
Robert Walters

EXECUTIVE DIRECTOR  
Daniel W. White  
July 9, 2007

Committee to Elect Edward "Ed" Russell  
Edward Russell, Angela Perry  
1303 Tudor Ave  
E St Louis, IL 62201

L13781

Dear Committee to Elect Edward "Ed" Russell;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
AFRAM Corporation	3/20/07	\$1000.00	\$1000.00	*not filed	12
Campbell LLC	4/4/07	\$1000.00	\$1000.00	*not filed	1
Richard Gaines	4/2/07	\$1000.00	\$1000.00	*not filed	3

The committee is fined a **total** of \$3000.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

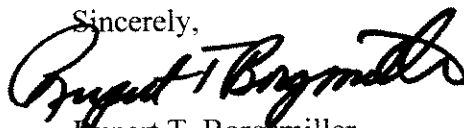
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$300.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the mailing of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

\* This contribution was reported on the April 2007 Pre-election Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

\*\* This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois )  
County of \_\_\_\_\_ )

RECEIVED  
JUL 24 11:05

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. )  
Committee to Elect Ed Russell )  
Respondent(s). )

Case No. 01 AE 006

APPEAL AFFIDAVIT

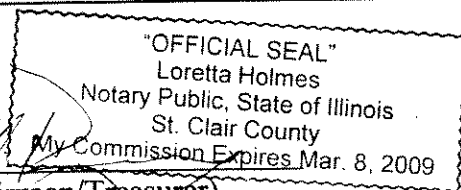
I, Angela Russell-Perry, the Treasurer of the  
(Name) (Chairman/Treasurer)  
Committee to Elect Ed Russell  
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

The Committee to Elect Ed Russell held a fundraiser on  
4-6-07, these contributions in question were received on  
that date. I posted the date on the check instead of the  
of contribution. <sup>date</sup> It was an over site on my part. On Richard  
Scines check I posted the wrong date.

Signed and Sworn to by:  
Loretta Holmes  
before me this 015<sup>th</sup> Day of  
August, 2007/  
Loretta Holmes  
Notary Public

(Signature of Chairman/Treasurer)



P.S. Attached are copies of checks from those contributions in questioned.

JUL 10 PM 3:10

State of Illinois )  
 )  
 County of \_\_\_\_\_ )

BEFORE THE STATE BOARD OF ELECTIONS  
 OF THE STATE OF ILLINOIS

IN THE MATTER OF: )  
 )

ILLINOIS STATE BOARD OF ELECTIONS, )  
 Complainant )

Vs. )

Committee to Elect Edward Russell )  
 Respondent(s). )

Case No. \_\_\_\_\_

WAIVER OF APPEARANCE

I, Angela Russell Perry, the Treasurer of the  
 (Name) (Chairman/Treasurer)

Committee to Elect Edward Russell  
 (Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

Angela Russell Perry  
 (Signature of Chairman/Treasurer)

CAMPBELL, LLC 03-99  
327 MISSOURI AVE., STE. 603  
EAST ST. LOUIS, IL 62201

7964

DATE

4.4.07

79-57  
758 353

PAY TO THE  
ORDER OF

Ed RUSSELL for COUNCIL

\$1,000.00

One Thousand

DOLLARS



Associated Bank

associatedbank.com

FOR

Contribution

Johnny E. Campbell

⑈007964⑈ ⑆075900575⑆ 2263 008 043⑈

⑈0000100000⑈

ccount:2263008043 Date:04-06-2007 Amount:\$1,000.00 Serial:7964

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Ed Russell

The Committee To Re-Elect Edward "Ed" Russell  
1303 Tudor Avenue  
East St. Louis, IL 62201  
(618) 271-1107

March 21, 2007

Dear Friend (s)

The Committee to Re-Elect Councilmen Edward "Ed" Russell cordially invites you to attend a special fundraiser on his behalf. Ed, a veteran Federal Government employee (HUD) and City Councilman, is a candidate for the Office of City Councilmen of the City of East St. Louis.

Ed is a staunch proponent of regional cooperation, economic development and committed to diligently working for continued growth in our city. His ability to network between residents, businesses, social and civil organizations, professionals and government leaders throughout the entire region is unsurpassed.

Mr. Edward "Ed" Russell needs your support to continue as City Councilman, the voice for the people of the City of East St. Louis. Please join us at this fundraiser on Friday, April 6, 2007 at:

**Club Illusion**  
**526 East Broadway**  
**East St. Louis, IL 62201**  
**6:00 p.m. – 9:00 p.m.**

Contribution (s) may be mailed to:

**The Committee to Re-Elect Edward "Ed" Russell**  
**1303 Tudor Avenue**  
**East St. Louis, IL 62201**

We look forward to seeing you.

Thank you,

The Committee to Re-Elect Edward "Ed" Russell

**STATE OF ILLINOIS  
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections  
**Complainant**

Vs.

**07 JS 073**

Friends for Eric P. McKennie      L13815  
**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment for Delinquently Filing the  
June 2007 Semi-Annual Report

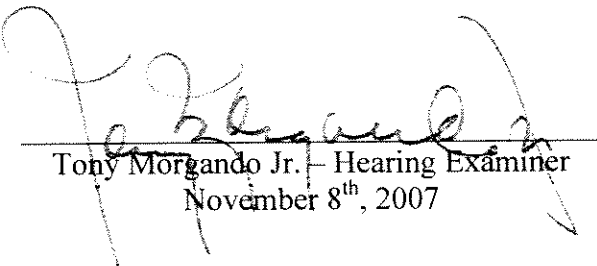
The political committee's June 2007 Semi-Annual Report was received by the State Board of Elections (herein referred to as SBE) on August 29<sup>th</sup>, 2007, twenty-one (21) days late. As such, the political committee has been assessed a fine of \$1,050.00. In addition, the political committee was assessed a penalty of \$100.00 for the delinquent filing of its Statement of Organization, Form D-1. The total assessment is \$1,150.00. Since this is a subsequent violation, it will be required to be paid by the political committee within thirty (30) days of the issuance of a Final Board Order.

Mr. Eric P. McKennie, Candidate, filed a Request for Hearing and Appeal Affidavit, on October 3<sup>rd</sup>, 2007, indicating: "I Eric P. McKennie allowed someone that was incompetent to handle my business, all along telling untruths about it. As a result I have to throw myself to your mercy. I just don't have money for the fines and I need your help".

Hearing in this matter was set for Wednesday, October 24<sup>th</sup>, 2007, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 9:00 a.m.

Mr. Eric P. McKennie contacted the Hearing Examiner telephonically on Friday, October 19<sup>th</sup>, 2007, indicating his desire to terminate the activities of his political committee, and sought direction from staff to accomplish this. Mr. McKennie filed a Final Report with the Campaign Disclosure Division on Wednesday, November 7<sup>th</sup>, 2007.

I feel based upon a review of the statements/documents presented in this matter, and consideration of a prior filing delinquency, it is the recommendation of the Hearing Examiner that the appeal in this matter be denied. Since a Final Report has been filed, it is further recommended that the assessed penalty of \$1,150.00 be abated if the political committee remains dissolved for a period of two (2) years following the date of the Final Order of the Board imposing the penalty.

  
Tony Morgando Jr. - Hearing Examiner  
November 8<sup>th</sup>, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

Friends for Eric P McKennie  
Brian Jones  
35 Hawthorne Ct  
Calumet City, IL 60409

L13815

Dear Friends for Eric P McKennie;

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	Semiannual Report of Campaign Contribution and Expenditures
Report Period:	January 1, 2007 through June 30, 2007
Filing Period:	July 2, 2007 through July 20, 2007

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on August 29, 2007, 21 day(s) late. As such, this committee has been assessed a fine of \$1050.00.

Enclosed please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

If the above listed violation is not appealed and since this is a subsequent violation the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days:

Reporting Period	Report Type	Previous Fine Amount
	D-1 Statement of Organization	\$100.00
<b>TOTAL AMOUNT NOW DUE</b>		<b>\$1150.00</b>

If you have any questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm  
Enclosure(s) appeal documents

CHICAGO

State of Illinois )  
County of \_\_\_\_\_ )

\*07 OCT -3 PM 2:14  
STATE BOARD OF ELECTIONS

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. )  
Friends for Eric P. McKennie )  
Respondent(s). )

Case No. 07-15073

APPEAL AFFIDAVIT

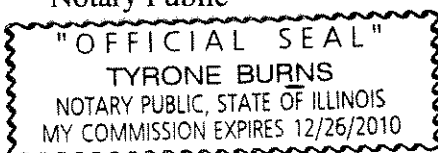
I, Eric P. McKennie, the Candidate of the  
(Name) (Chairman/Treasurer)  
Friend for Eric P. McKennie  
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

I Eric P. McKennie allowed someone that was incompetent to handle my business. All along telling untruths about it. As a result I have to throw myself to your mercy I just don't have money for the fines and I need your help.

Signed and Sworn to by:  
Eric McKennie  
before me this 03 Day of  
Oct, 2007  
Tyrone Burns  
Notary Public

Eric McKennie  
(Signature of Chairman/Treasurer)



State of Illinois )  
 )  
County of \_\_\_\_\_ )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF;

ILLINOIS STATE BOARD OF ELECTIONS,

Complainant

Vs.

Friends for Eric P. McKeon

Respondent(s).

Case No. \_\_\_\_\_

## REQUEST FOR HEARING

I, Eric P. McKenney, the candidate  
(Name) (Chairman/Treasurer)

Friends for Eric P. McKenney  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee requests a public hearing at which it will appear to offer reasons and defenses why the proposed assessment should not be imposed.

Louis P. McKernie  
(Signature of Chairman/Treasurer)

STATE OF ILLINOIS            )  
                                      )  
COUNTY OF COOK            )       SS

**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

**In the Matter of:**

Illinois State Board of Elections            )

Complainant(s)                                )

**Vs.**    )

Board File No. 07 JS 073

Friends for Eric P McKennie                )

Respondent(s)                                 )

**NOTICE OF APPEAL HEARING**

TO: Friends for Eric P McKennie  
Eric McKennie  
1425 N Lockwood Ave  
Chicago, IL 60651

L13815

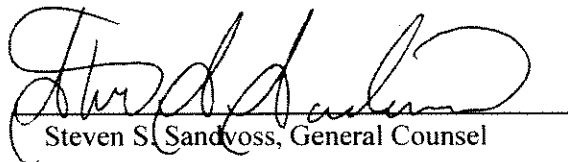
Please take notice that in accordance with Rule 125.425 (f), and by the power vested in me, the Appeal Hearing to be conducted in the above captioned matter is set for October 24, 2007 at 9:00 A.M. at the State Board of Elections, 100 W Randolph, Suite 14-100, Chicago IL.

You are hereby notified that pursuant to the provisions of "An Act to Regulate Campaign Financing" (10 ILCS 5/9-1 et. seq.) and Rules and Regulations adopted pursuant thereto, the following person is hereby appointed Hearing Examiner to conduct the Appeal Hearing concerning the above-captioned matter.

NAME: Tony Morgando  
ADDRESS: 100 W Randolph, Suite 14-100  
CITY/STATE: Chicago, Illinois  
TELEPHONE: 312/814-6456

The parties have the right to be represented by legal counsel in any proceeding conducted by the State Board of Elections. Any party involved in any proceeding has the right to the presence and participation of additional persons, in addition to, or instead of an attorney, in order to provide technical assistance and consultation. Please contact the Hearing Examiner at the number listed above prior to the date of your hearing to confirm the date and time.

DATED: October 10, 2007

  
Steven S. Sandvoss, General Counsel

**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections

**Complainant**

v.

**07 MA 018**

Friends of Judy Stearns

L 14206

**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment For Delinquently Filing a D-1 Statement of Organization, Pre-Election Reports For the 2007 Consolidated Primary Election and the 2007 Consolidated Election and For Failure To File Schedule A-1 Forms for the 2007 Consolidated Election

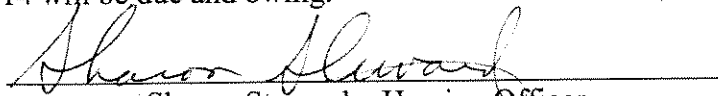
The D-1 Statement of Organization was received on April 10, 2007, 56 days late, resulting in a civil penalty assessment of \$1400. The Pre-Election Report for the 2007 Consolidated Primary Election was received April 26, 2007, 9 days late, resulting in a civil penalty assessment of \$500. The Pre-Election Report for the 2007 Consolidated Election was received July 20, 2007, 11 days late, resulting in a civil penalty assessment of \$2200. The Committee received five contributions of more than \$500, all from the candidate, prior to the 2007 Consolidated Election, but failed to list them on a Schedule A-1; the total Schedule A-1 civil penalty is \$2143.90. The total outstanding assessment is \$6243.90. Civil penalties had also been assessed for \$4629.56 for failing to report contributions on a Schedule A-1 for the 2007 Consolidated Primary Election, but because the contributions were from the candidate, the committee was given a one time amnesty for those Schedule A-1 violations for that election.

Judith I. Stearns, the Chairman of the Committee, filed a Request for Hearing and an Appeal Affidavit. In the Affidavit, Ms. Stearns referenced an attached two page letter. She was under the impression that she was not required to file until she received more than \$3,000 in contributions; she did not realize that spending one's own money counted towards the \$3,000 threshold. In late March she thought she might be approaching the \$3,000 threshold in contributions and, on the advice of her state rep, contacted Cris Cray at the Board. Ms. Cray answered her questions and helped her complete the D-1, but she did not file it at that time. On April 9, 2007, she received a letter from the Board advising her of the need to file a D-1. She did so on April 10, 2007. She contacted a CPA and made several calls to the Board and eventually made contact with Barb Mason in July to help her file her reports. She has less than \$100 in her account and is owed more than \$10,500. She stresses that she received misinformation and was totally inexperienced; those being the reasons for her late filings. Her mistakes were entirely unintentional.

The Hearing was scheduled for October 24, 2007, at 10:00 a.m. in the Springfield office of the State Board of Elections. Judy Sterns appeared on behalf of her Committee. Barb Mason, the individual who filed electronic reports for the committee, also appeared on behalf of the Committee. Much of Ms. Stern's testimony mirrored her Appeal Affidavit. She was assisted in her campaign by her state representative who advised her that she had to file with the Board when she received contributions in excess of \$3,000. She didn't realize that her own money counted towards the threshold. She began mail-outs in December using her credit card. In mid-January she opened an account at a sign shop using her credit card. She was keeping track of outside contributions, but these were few in number and small in size. She won the consolidated primary and then began soliciting information about filing around the middle of March. She was advised by the state representative who was assisting her, to call Cris Cray at the Board. She sought advice from Ms. Cray and assistance on completing the D-1. It is not known what specific questions were asked. She also contacted a couple of CPAs asking advice as well. One told her that after she filed the D-1 that she was fine until July. In July, she finally was put in contact with Barb Mason who helped sort out all of her personal expenditures and then determined that the threshold was crossed January 2, 2007, not in April as she originally thought. Ms. Sterns had no idea how much of her own money she had spent or obligated until this point. She had not run a balance of how much was charged on her VISA until the election. She currently has \$69 left in her account. She stresses that these violations were unintentional. I asked her if she had been given the D-1 Notice of Obligation at the time she had filed her petitions, and she did not remember.

Section 10 ILCS 5/9-1.7 defines a 'local political committee' as a candidate, or any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which "(a) accepts contributions or grants or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 on behalf of or in opposition to a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interest with the County Clerk, or on behalf of or in opposition to a candidate or candidates for election to the office of ward or township committeeman in counties of 3,000,000 or more population;..." The key phrase in this definition is "makes expenditures". Ms. Sterns, the candidate, made expenditures by charging items on her credit card, exceeding \$3,000 by early January. As expenditures, they count towards the \$3,000 threshold. She acknowledges being a novice and relying upon the advice of another office holder. She talks about seeking advice from various individuals, including Board employees in late March and in April; however, the \$3,000 threshold was crossed in early January, so deadlines for the D-1, the Schedule A-1s for the Consolidated Primary Election, the Pre-Election Report for the Consolidated Election, and possibly some Schedule A-1 filings for the Consolidated Election, had passed before any contact was made with the Board. In addition, the Board sent her a letter dated April 9, 2007; this is a generic letter sent by staff when information comes into its possession that would indicate that a committee may be required to file. When asked if she had received her D-5 Notice of Obligation when she filed her petitions, she wasn't sure since it had been so long ago. Ms. Sterns served as her own chairman and treasurer, and given her relative inexperience, I'm sure, in retrospect, she would agree that this may not have been a good idea due to the extreme pressures involved in running a campaign. Being a first time candidate in a difficult race would have been a very time consuming experience. However, her failure to file was due to her lack of understanding of the law; as far as information she may or may not have gotten from the Board, these phone calls were made well into the campaign.

The Board provides many educational resources, beginning with the D-5 she would have gotten when she filed her petitions, and all the materials available on the Board website. These materials would have answered any questions she had regarding her obligation to file disclosure. Therefore, I recommend that the appeal be denied for lack of an adequate defense. In regards to the Schedule A-1 penalties, since there is no indication that these violations were anything other than inadvertent and unintentional, I also recommend that the A-1 penalties be reduced to 10% of the original assessment or \$214. That \$214, plus the penalties for delinquently filing the D-1 and the two pre-election reports total \$4,314. If this recommendation is accepted by the Board, the total amount of \$4,314 will be due and owing.

A handwritten signature in cursive script, appearing to read "Sharon Steward", is written over a horizontal line.

Sharon Steward – Hearing Officer

October 24, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

Friends of Judy Stearns  
Judy Stearns  
306 E Locust #5  
Bloomington, IL 61701

L14206

Dear Friends of Judy Stearns;

This letter is to inform you that this committee failed to file its' D-1 Statement of Organization during the requisite 10-day filing period.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-3 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received by the Board on July 18, 2007, 56 day(s) late. As such, this committee has been assessed a fine of \$1400.00.

In addition, this committee failed to file the following documents during the requisite filing period:

Report Type:	Pre-Election Report of Campaign Contributions
Report Period:	January 1, 2007 through January 28, 2007
Filing Period:	January 29, 2007 through February 13, 2007

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on April 26, 2007, 9 day(s) late. As such, this committee has been assessed a fine of \$500.00.

In addition, this committee failed to file the following documents during the requisite filing period:

Report Type:	Pre-Election Report of Campaign Contributions
Report Period:	January 29, 2007 through March 18, 2007
Filing Period:	March 19, 2007 through April 2, 2007

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on July 20, 2007, 11 day(s) late. As such, this committee has been assessed a fine of \$2200.00.

In addition, this committee failed to file the following documents during the requisite filing period:

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Judy Stearns	3/20/07		**\$446.94		
Judy Stearns	3/29/07		**16.12		
Judy Stearns	4/4/07	\$308.00	\$308.00	*not filed	
Judy Stearns	4/9/07		**\$407.78		
Judy Stearns	4/9/07	\$156.14	\$156.14	*not filed	
Judy Stearns	4/9/07		**\$397.82		
Judy Stearns	4/9/07	\$286.08	\$286.08	*not filed	
Judy Stearns	4/11/07	\$876.80	\$876.80	*not filed	
Judy Stearns	4/13/07	\$516.88	\$516.88	*not filed	

The committee is fined a **total** of \$2143.90 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

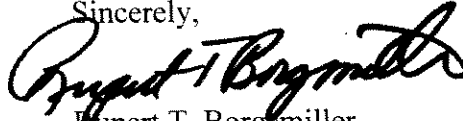
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$215.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 10 ILCS 5/9-3 of the Election Code and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

If you have questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

A handwritten signature in black ink, appearing to read "Rupert T. Borgsmiller".

Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm

Enclosure(s): appeal packet

The diagram illustrates the experimental setup. A subject is seated at a table, looking at a video screen. A video camera is positioned above the screen to record the subject's behavior. A light source is positioned to the left of the screen to illuminate the scene. The subject is viewing a video screen that displays a visual feedback of their hand position. The video camera is positioned above the screen to record the subject's behavior. The light source is positioned to the left of the screen to illuminate the scene.

IN THE MATTER OF;

ILLINOIS STATE BOARD OF ELECTIONS,

Complainant

Vs.

Friends of Judy Stearns

Respondent(s).

Case No. 07 MVA 18

I, Judith I. Stearns, the Chairman of the  
(Name) (Chairman/Treasurer)  
Friends of Judy Stearns  
(Name of the Committee)

See attached sheets (p1+p2)  
entitled "Friends of Judy Stearns" please.

**OFFICIAL SEAL**  
**RON T BRISCOE**  
**NOTARY PUBLIC - STATE OF ILLINOIS**  
**MY COMMISSION EXPIRES 07/11/11**

(Signature of Chairman/Treasurer)

State of Illinois )  
 )  
County of \_\_\_\_\_ )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
 )  
Complainant )  
 )  
Vs. ) Case No. \_\_\_\_\_  
 )  
Friends )  
 )  
Respondent(s). )

REQUEST FOR HEARING

I, Judith I Stearns, the Chairman  
(Name) (Chairman/Treasurer)  
Friends of Judy Stearns  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee requests a public hearing at which it will appear to offer reasons and defenses why the proposed assessment should not be imposed.

[Signature]  
(Signature of Chairman/Treasurer)

## Friends of Judy Stearns

When I made a decision to run for Alderman, Ward 4, City of Bloomington in December of '06, I received the following advice from a friend who had held public office in the State of Illinois for several years, "You do not need to file a committee until you have received more than \$3,000.00 in campaign contributions." I knew that I would not be soliciting or receiving contributions until after the 2/23/07 primary election, so I believed I had no reason to file a committee until at least I began to receive contributions. I had no idea and no reason to think that spending money on my own campaign was the same as receiving it. I further had no idea of the large cost of campaigning and opened an account at a printer for my direct mailings and authorized charges on my Visa card without always receiving a statement. Since I did not pay off my Visa card and have run a balance since the campaign, I feel as if I still have not actually paid off my campaign expenses. My current Visa balance is larger than my campaign expenditures.

My campaign was hotly contested with 4 others in the primary and a 10 year incumbent in the general election. This was my first time to run for any office or even to be seriously involved in a campaign. Self employed, I was not able to devote much time to my work or business in order to campaign full time.

In late March of '07, I realized I might approach the \$3,000.00 limit of contributions, so I then felt I should file a committee. A friend pulled up the forms for me and I began the first of several calls to Springfield to make sure I was filing correctly. I was told by the same friend as above that I should call Chris Cray, which I did. She was helpful in some questions I had about how to fill out the D-1, but she did not refer me to the election board, so I still did not realize I was late.

I received a letter from the State Board 4/9/07 advising me of the need to file a committee. On 4/10 I filed a D-1 form. I talked to Chris Cray at least one other time and I also made an appointment with a CPA in Bloomington to see if I was doing the right thing, but she could not advise me. I made calls to the Board of Elections on 4/3, 4/6, 4/10/07 and on 7/13 and 7/17, finally convincing someone at the Board to give me the name of someone who could help me because I realized I was not capable of filing the 7/20 report myself. At last I contacted Ms. Barbara Mason who I was able to contract with to file my 7/20 report.

I then received an amnesty letter from you on 9/30/07. The next day I received a letter dated 4/30/07 that notified me of a civil penalty. Although the letter is dated 4/30/07, it is assessing a penalty for reports received in July of '07.

At this time I have a remainder of \$97.00 left in my committee fund, although I still owe over \$10,500 to myself. Again, my Visa balance still owing is greater than my campaign deficit--so I still feel as if I have not yet paid for my campaign.

In conclusion, the misinformation I received combined with my complete inexperience in running for office were the reason my committee was not filed in time. My mistakes

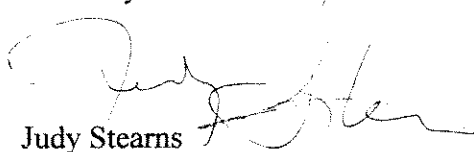
were entirely unintentional and were made because even calling the State Board numerous times did not give me the understanding that spending and receiving were the same. When I at last realized that I had not filed properly, I contacted 2 professionals—one in Bloomington who could not help and at last Barbara Mason, who was a great help, without whom, I am afraid I still would be attempting to do this correctly. Had I not found Barbara, I intended to make a trip to Springfield to speak directly with the State Board before 7/20.

My attempts to get the correct information and my willingness to hire an expert are, I believe, evidence that I put forth a sincere effort to file correctly.

The campaign was a tremendous sacrifice, financially, emotionally, and physically and my business and personal life suffered more than I ever thought they would. I am still recovering while striving hard to serve my constituents and be the best possible alderman I can be.

I sincerely thank you for your consideration of my explanation and look forward to meeting with you.

Sincerely

A handwritten signature in cursive script, appearing to read "Judy Stearns".

Judy Stearns  
Friends of Judy Stearns  
Attach.

5/7/2007

Friends of Judy Stearns  
306 E Locust St, Apt 5  
Bloomington, IL 61701-8425

State of Illinois  
State Board of Elections  
Campaign Disclosure Division

1020 South Spring St.  
PO Box 4187  
Springfield, Illinois 62708

100 West Randolph St.  
Suite 14-100  
Chicago, Illinois 60601

L 14206 14  
Friends of Judy Stearns

**PLEASE RETAIN THIS RECEIPT FOR YOUR RECORDS**

The Illinois State Board of Elections has received the following document(s) from your committee.  
If this information is incorrect, notify our office at (217)782-4141 or (312)814-6440.

4/26/2007 10:15:58AM

Received in Springfield D-2 Pre-Election Report  
Postmarked 4/16/07

2007CE

STATE OF ILLINOIS  
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections

**Complainant**

**Vs.**

**07AC043**

Citizens for Munoz

S5774

**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment for Failure to File Schedule A-1's  
For the February 2007 Consolidated Primary Election

According to the political committee's June 2007 Semi Annual Report, it received sixteen (16) contributions in relation to the February 27<sup>th</sup>, 2007 Consolidated Primary Election, during the Schedule A-1 filing period, January 29<sup>th</sup>, 2007 through and including February 26<sup>th</sup>, 2007, and failed to report them as required by statute. The political committee is assessed civil penalty totaling \$25,000.00.

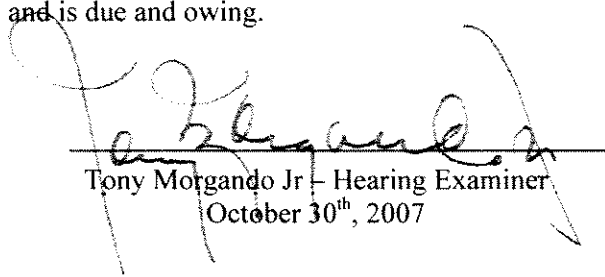
Mr. Ricardo Munoz, Chairman, filed a Request for Hearing and Appeal Affidavit, on October 4<sup>th</sup>, 2007, indicating in part: "we were in the process of implementing NGP new software for reporting, this was a one time clerical mistake".

Attached to the Affidavit was (1) an invoice dated December 11<sup>th</sup>, 2006, from NGP Software, Inc. indicating Service Fee's for NGP Campaign Office Online, Broadcast Email, and Illinois State Report (Chicago), and (2) Schedule A-1's filed with the State Board of Elections February 2<sup>nd</sup>, and February 5<sup>th</sup>.

Hearing in this matter was set for Thursday, October 25<sup>th</sup>, 2007, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 9:30 am

Ms. Tiffany Reynolds, Fundraising Coordinator, and Mr. Ricardo Munoz, appeared on behalf of the political committee. Mr. Munoz indicated that a batch of checks, related to a February 1<sup>st</sup> 2007, fundraiser were not entered because of complications with the conversion from the IDIS program to NGP software. Mr. Munoz referred to submitted Schedule A-1's as indication that the political committee filed required reports when the NGP software was operating correctly. The Hearing Examiner requested a specific date of deposit for the batch of questionable contributions received January 30<sup>th</sup>, 31<sup>st</sup>, and February 1<sup>st</sup>. Ms. Reynolds indicated such contributions were deposited on February 2<sup>nd</sup>, 2007.

After consideration of documents/statements made in this matter, the Hearing Examiner has issues. Primarily, contributions received on January 30<sup>th</sup>, 31<sup>st</sup>, and February 1<sup>st</sup>, which apparently were deposited on February 2<sup>nd</sup>, failed to be reported on a Schedule A-1. These contributions were received, deposited, and available for use by the political committee, three (3) weeks prior to the close of the A-1 filing period, February 26<sup>th</sup>, 2007. Therefore, it is the recommendation of the Hearing Examiner that the appeal be denied in this matter. Since this is the first delinquent Schedule A-1 filing by the political committee, the civil penalty shall be automatically reduced to 10% or \$2,500.00, and is due and owing.

  
Tony Morgando Jr - Hearing Examiner  
October 30<sup>th</sup>, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



**BOARD MEMBERS**  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

**EXECUTIVE DIRECTOR**  
Daniel W. White  
September 4, 2007

Citizens for Munoz  
Ricardo Munoz  
2500 S St Louis  
Chicago, IL 60623

S5774

Dear Citizens for Munoz;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Cash America	2/1/07	\$1500.00 ✓	\$1500.00	*not filed	
Jose De Jesus Cortes	2/1/07	\$1000.00 ✓	\$1000.00	*not filed	
Fausto Enterprises	2/1/07	\$1000.00 ✓	\$1000.00	*not filed	
JDD Investment Co	2/1/07	\$1000.00 ✓	\$1000.00	*not filed	
LV Concessions	2/1/07	\$1500.00 ✓	\$1500.00	*not filed	
MRC Polymers Inc	2/1/07	\$1000.00 ✓	\$1000.00	*not filed	
Primerstor Little Village LLC	2/1/07	\$1500.00 ✓	\$1500.00	*not filed	
Primerstor Little Village LLC	2/1/07	\$1500.00 ✓	\$1500.00	*not filed	
Promira Management	2/1/07	\$1500.00 ✓	\$1500.00	*not filed	
Luis Puig Sr	1/30/07	\$1000.00 ✓	\$1000.00	*not filed	
RTC Industries	1/31/07	\$1000.00 ✓	\$1000.00	*not filed	
Tip Top Car Wash	2/1/07	\$1000.00 ✓	\$1000.00	*not filed	
Daniel Burke	2/1/07	\$2500.00 ✓	\$2500.00	*not filed	

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
SEIU Local 880	1/30/07	\$2000.00	\$2000.00	*not filed	
UFCW Local 881	2/1/07	\$5000.00	\$5000.00	*not filed	
UNITE	2/1/07	\$1000.00	\$1000.00	*not filed	

The committee is fined a **total** of \$25000.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

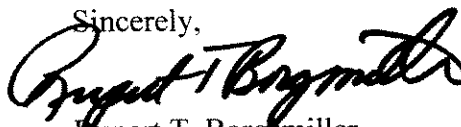
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$2500.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order. If your committee has no other civil penalty assessments and only one delinquent Schedule A-1 amount is listed above, the penalty will be **stayed** as a first violation and would only become due and owing upon any subsequent delinquent filings by the committee.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the mailing of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

\* This contribution was reported on either the April 2007 Pre-election report or the June 2007 Semi-annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

\*\* This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

CHICAGO

State of Illinois )

County of Cook )

\*07 OCT -4 PM '03

STATE BOARD OF ELECTIONS

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )

ILLINOIS STATE BOARD OF ELECTIONS, )

Complainant )

Vs. )

Citizens for Motor )

Respondent(s). )

Case No. 07 AC 043

APPEAL AFFIDAVIT

I, Richard Moroz, the Chairman of the

(Name)

(Chairman/Treasurer)

Citizens for Motor 55774

(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

As we were in the process of implementing  
NBP new software for reporting, this was  
a one time clerical mistake I have attached  
supporting documentation

Signed and Sworn to by:

Thelma Mirrer

before me this 4 Day of

October 2007

Richard Moroz

(Signature of Chairman/Treasurer)

Notary Public



Thelma Mirrer

\*07 OCT -4 PM 10: 3

STATE BOARD OF ELECTIONS

State of Illinois )  
 County of Cook )

BEFORE THE STATE BOARD OF ELECTIONS  
 OF THE STATE OF ILLINOIS

IN THE MATTER OF; )

ILLINOIS STATE BOARD OF ELECTIONS, )

Complainant )

Vs. )

Case No. \_\_\_\_\_

Citizens for Motor 55774 )

Respondent(s). )

REQUEST FOR HEARING

I, Richard Motor, the Chairman  
 (Name) (Chairman/Treasurer)  
Citizens for Motor  
 (Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee requests a public hearing at which it will appear to offer reasons and defenses why the proposed assessment should not be imposed.

Rich Motor  
 (Signature of Chairman/Treasurer)

STATE OF ILLINOIS  
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections  
**Complainant**

Vs.

07 JS 052

Frankfort Township Democratic Organization  
**Respondent**

S8789

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment for Delinquently Filing a  
June 30<sup>th</sup>, 2007 Semi-Annual Report

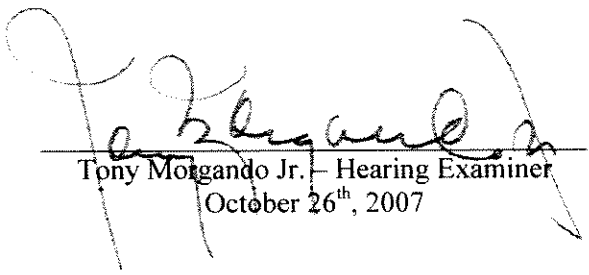
The political committee's June 2007 Semi-Annual Report was received by the State Board of Elections (herein referred to as SBE) on August 6<sup>th</sup>, 2007, four (4) days late. As such, the political committee has been assessed a penalty of \$200.00. In addition, the committee was previously assessed a penalty of \$275.00 for the delinquent filing of the December 2006 Semi-annual report. The total assessment is \$475.00.

Mr. Donald G. Keane Jr., Treasurer, filed a Request for Hearing and Appeal Affidavit, on September 26<sup>th</sup>, 2007, indicating; "This committee had not received the 2007 Campaign Disclosure Electronic IDIS Filing Calendar until the treasurer of the organization had a conversation with a Mr. Cloonan; There was a major change in our committee, in that our chairman dropped out of the organization without giving notice; the chairman had the only key for our Post Office Box so information was not being received. As a relatively new treasurer, I do not have all the procedures and reporting dates committed to memory. Our committee is relative new and very small and we are very inexperienced. We have a very difficult time maintaining the position of treasurer, and, we do not have enough money to cover the fines".

Hearing in this matter was set for Wednesday, October 24<sup>th</sup>, 2007, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 9:30 a.m.

Mr. Donald G. Keane, Treasurer, appeared on behalf of the political committee. Mr. Keane indicated that the political committee has been in existence for approximately three (3) years, with no significant fundraising activity. Mr. Keane stated the former Chairman, Mr. Edward Rooney, allowed the political committee to share his P.O. Box, but once he resigned, no committee member had a key to access their mail. Mr. Keane indicated that the political committee presently has a funds balance of \$189.30, and offered \$100.00 as settlement to resolve this matter.

I feel based upon a review of the documents presented in this matter, and consideration of a prior filing delinquency, it is the recommendation of the Hearing Examiner that the appeal in this matter be denied, and the total assessed fine of \$475.00 is due and owing.

  
Tony Morgando Jr. - Hearing Examiner  
October 26<sup>th</sup>, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

Frankfort Township Democratic Org  
Donald Keane Jr  
10986 Pioneer Trail  
Frankfurt, IL 60423

S8789

Dear Frankfort Township Democratic Org;

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	Semiannual Report of Campaign Contribution and Expenditures
Report Period:	January 1, 2007 through June 30, 2007
Filing Period:	July 2, 2007 through July 20, 2007

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on August 6, 2007, 4 day(s) late. As such, this committee has been assessed a fine of \$200.00.

Enclosed please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

If the above listed violation is not appealed and since this is a subsequent violation the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days:

Reporting Period	Report Type	Previous Fine Amount
7/1/2006 – 12/31/2006	Semi-annual	\$275.00
<b>TOTAL AMOUNT NOW DUE</b>		<b>\$475.00</b>

If you have any questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

A handwritten signature in black ink, appearing to read "Rupert T. Borgsmiller".

Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm  
Enclosure(s) appeal documents

State of Illinois )  
 )  
County of \_\_\_\_\_ )

CHICAGO  
'07 SEP 26 PM 11:16  
STATE BOARD OF ELECTIONS

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
 )  
Complainant )  
 )  
Vs. )  
 )  
FRANKFORT TOWNSHIP DEMOCRATIC ORG )  
Respondent(s). )

Case No. 07 JS 052

APPEAL AFFIDAVIT

I, DONALD G. KEANE JR, the TREASURER of the  
(Name) (Chairman/Treasurer)

FRANKFORT TOWNSHIP DEMOCRATIC ORG.

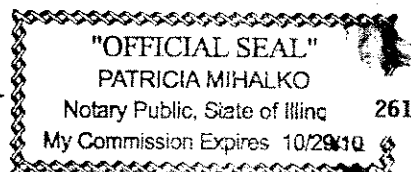
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

THIS COMMITTEE (FRANKFORT TOWNSHIP DEMOCRATIC ORGANIZATION)  
FAILED TO REPORT "THE SEMI-ANNUAL REPORT OF CAMPAIGN  
CONTRIBUTION AND EXPENDITURES FOR THE REPORTING PERIOD  
JANUARY 1, 2007 THROUGH JUNE 20, 2007 DURING THE FILING  
PERIOD OF JULY 2, 2007 THROUGH JULY 20, 2007 FOR SEVERAL REASONS  
SEE ATTACHED

Signed and Sworn to by:  
DONALD G. KEANE JR.  
before me this 26TH Day of  
SEPTEMBER, 2007  
Patricia Mihalko  
Notary Public

Ronald G. Keane Jr., TREASURER  
(Signature of Chairman/Treasurer)



CHICAGO

'07 SEP 26 AM 11:10

STATE BOARD OF ELECTIONS

State of Illinois )  
 )  
County of \_\_\_\_\_ )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
 )  
Complainant )  
 )  
Vs. ) Case No. \_\_\_\_\_  
 )  
FRANKFORT TOWNSHIP DEMOCRATIC ORG. )  
 )  
Respondent(s). )

REQUEST FOR HEARING

I, DONALD G. KEANE JR., the TREASURER  
(Name) (Chairman/Treasurer)  
FRANKFORT TOWNSHIP DEMOCRATIC ORG.  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee requests a public hearing at which it will appear to offer reasons and defenses why the proposed assessment should not be imposed.

Donald G. Keane Jr., TREASURER  
(Signature of Chairman/Treasurer)

## **State Board Of Elections**

**This committee ( Frankfort Township Democratic Organization) failed to report The Semiannual Report of Campaign Contribution and Expenditures for the reporting period January 1, 2007 through June 20, 2007 during the filing period of July 2,2007 through July 20, 2007 for several reasons:**

**This committee had not received the 2007 Campaign Disclosure Electronic IDIS Filing Calendar until the treasurer of the organization had a conversation with a Mr.Cloonan From the State Board Of Elections after the due date.**

**There was a major change in our committee, in that our chairman dropped out of the organization without giving notice.**

**The chairman had the only key for our Post Office Box so information was not being received in any fashion for some time.**

**As a relatively new treasurer, I do not have all the procedures and reporting dates committed to memory. I did not realize that a report would be necessary if there was no activity to report on.**

**Our committee is relatively new and very small and we are very inexperienced. We do not have big fund raisers and have few expenditures.**

**We have a very difficult time maintaining the position of treasurer. I took over a little over a year ago and I am still learning.**

**We do not have enough money to cover the fines imposed.**



FORM

D-2

(CHECK APPROPRIATE BOXES) (PLEASE TYPE OR PRINT IN BLACK INK.)

Pre-Election Report - Election Date: JANUARY 4, 2007☒ Semi-Annual ReportNon-Participation - Election Date: JUNE 30, 2007☐ Final Report☐ Amendment of Report Indicated Above

Full name and complete mailing address of Political Committee:

Frankfort Township Democratic Org  
PO Box 317  
Mokena, IL 60448-0317

FILE

POLITICAL COMMITTEE

S 8789 03  
L 12372☐ CHECK IF ADDRESS CHANGE

IDENTIFICATION NO

REPORTING PERIOD

01/01/  
FROM

THRU

CASH AVAILABLE AT THE  
BEGINNING OF THE  
REPORTING PERIOD:

\$ 189.30

STATE POLITICAL COMMITTEES  
RETURN TO:  
STATE BOARD OF ELECTIONS  
PO BOX 4187  
SPRINGFIELD, IL 62708-4187LOCAL POLITICAL COMMITTEES AND  
STATE AND LOCAL POLITICAL  
COMMITTEES RETURN ORIGINAL TO  
STATE BOARD OF ELECTIONS  
AND A COPY TO EACH APPROPRIATE  
COUNTY CLERK

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

COMPLETE 1-7 FOR PRE-ELECTION REPORTS.

COMPLETE ALL SECTIONS FOR  
SEMI-ANNUAL AND FINAL REPORTS.

## SECTION A - RECEIPTS

## 1. Individual Contributions

a. Itemized (from Schedule A) \$ 0 (1a)  
b. Not-Itemized \$ 0 (1b)

## 2. Transfers In

a. Itemized (from Schedule A) \$ 0 (2a)  
b. Not-Itemized \$ 0 (2b)

## 3. Loans Received

a. Itemized (from Schedule A) \$ 0 (3a)  
b. Not-Itemized \$ 0 (3b)

## 4. Other Receipts

a. Itemized (from Schedule A) \$ 0 (4a)  
b. Not-Itemized \$ 0 (4b)  
TOTAL RECEIPTS (1-4) \$ 0

\*\*\*\*\*

## 5. In-Kind Contributions

a. Itemized (from Schedule I) \$ 0 (5a)  
b. Not-Itemized \$ 0 (5b)  
TOTAL IN-KIND \$ 0

## SECTION B - EXPENDITURES

## 6. Transfers Out:

a. Itemized (from Schedule B) \$ 0 (6a)  
b. Not-Itemized \$ 0 (6b)

## 7. Loans made:

a. Itemized (from Schedule B) \$ 0 (7a)  
b. Not-Itemized \$ 0 (7b)

## 8. Expenditures:

Itemized (from Schedule B) \$ 0 (8a)  
Not-Itemized \$ 0 (8b)  
TOTAL EXPENDITURES (6-8) \$ 0

## SECTION C - DEBTS AND OBLIGATIONS

(Include previously reported unpaid debts)

9. a. Itemized (from Schedule C) \$ 0 (9a)  
b. Not-Itemized \$ 0 (9b)  
TOTAL DEBTS & OBLIGATIONS \$ 0

## SECTION D - CASH BALANCE

Funds available at the beginning  
of the reporting period:

\$ 189.30 (A)

Total Receipts (Section A)

\$ 0 (B)

Subtotal

\$ 189.30 (C)

Total Expenditures (Section B)

\$ 0 (D)

Funds available at the close of  
the reporting period:

\$ 189.30 (E)

\*\*\*\*\*

INVESTMENT TOTAL

\$ 0 (F)

## VERIFICATION

I DECLARE THAT THIS REPORT OF CAMPAIGN CONTRIBUTIONS OR THIS SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (INCLUDING  
- ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND  
COMPLETE REPORT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE REPORT IS A  
BUSINESS OFFENSE SUBJECT TO A FINE OF UP TO \$5000.

SIGNATURE OF TREASURER OR CANDIDATE

DATE

**STATE OF ILLINOIS  
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections

**Complainant**

Vs.

**07 JS 071**

Citizens to Elect Michael Mayden

S-9027

**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment for Delinquently Filing the  
June 30<sup>th</sup>, 2007 Semi-Annual Report

The political committee's June 2007 Semi-Annual Report was received by the State Board of Elections (herein referred to as SBE) on August 28<sup>th</sup>, 2007, twenty (20) days late. As such, the political committee has been assessed a fine of \$1,500.00. In addition, this committee was previously assessed a penalty of \$175.00 for the delinquent filing of the December 2005 and December 2006 Semi-annual reports. The total assessment is \$1675.00.

Mr. Michael E. Mayden, Candidate/Chairman, filed a Request for Hearing and Appeal Affidavit, on October 7<sup>th</sup>, 2007, indicating in part; "Respondent was misinformed that this committee was not required to submit Semiannual Report for the time in question based on the fact this committee was not actively raising funds nor did have any expenditures of funds since June of 2006. Respondent was of town from June through September of 2007. Respondent respectfully prays upon the State Board of Elections for a stay".

Hearing in this matter was set for Wednesday, October 24<sup>th</sup>, 2007, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 10:30 a.m.

Mr. Michael E. Mayden, Candidate/Chairman, appeared on behalf of the political committee. Mr. Mayden indicated that the political committee has maintained a \$5.00 balance over the previous 12-months. Mr. Mayden did provide the Hearing Examiner for review hotel/motel receipts which indicated extensive travel during the period June 2007 through September 2007. Mr. Mayden stated donations to his political committee were limited to a personal loan (\$3,000) and a contribution from his brother, Melvin Mayden (\$2,500).

I feel based upon a review of the statements/documents presented in this matter, and consideration of a prior filing delinquency (\$175.00), the Hearing Examiner finds that there are no reasonable grounds for the June 2007 Semi-Annual Report to have been filed late. Therefore it is the recommendation of the Hearing Examiner that the appeal be denied. The previously assessed fine of \$175.00 was paid by the committee on November 5, 2007. The assessed fine of \$1,500.00 is due and owing.

  
Tony Morgando Jr. - Hearing Examiner  
November 6, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

Citizens to Elect Michael Mayden  
PO Box 288696  
Chicago, IL 60628

S9027

Dear Citizens to Elect Michael Mayden;

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	Semiannual Report of Campaign Contribution and Expenditures
Report Period:	January 1, 2007 through June 30, 2007
Filing Period:	July 2, 2007 through July 20, 2007

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on August 28, 2007, 20 day(s) late. As such, this committee has been assessed a fine of \$1500.00.

Enclosed please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

If the above listed violation is not appealed and since this is a subsequent violation the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days:

Reporting Period	Report Type	Previous Fine Amount
7/1/2005 – 12/31/2005	Semi-annual	\$50.00
7/1/2006 – 12/31/2006	Semi-annual	\$125.00
<b>TOTAL AMOUNT NOW DUE</b>		<b>\$1675.00</b>

If you have any questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

Robert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm  
Enclosure(s) appeal documents

State of Illinois )  
County of Cook )

CHICAGO  
'07 OCT -2 PM 12:50  
STATE BOARD OF ELECTIONS

BEFORE THE STATE BOARD OF ELECTION  
OF THE STATE OF ILLINOIS

IN THE MATTER OF: )  
ILLINOIS STATE BOARD OF ELECTIONS )  
Complainant )  
Vs. )  
Citizens to Elect Michael E. Mayden )  
Respondent (s) )

Case No 27,35071

APPEAL AFFIDAVIT

I, Michael E. Mayden, the Chairman of the  
(Name) (Chairman/Treasurer)

Citizens to Elect Michael E. Mayden

(Name of the Committee)

Committee, first being duly sworn deposes and states the he/she represents that the said committee can offer reason or defense to the assessment of the civil penalty in the matter, and that such reasons and defenses are:

Refer to attachment

Signed and Sworn to by:

Michael E. Mayden  
Before me this 2 Day of

Notary Public

(Signature of Chairman/Treasurer)



State of Illinois )  
 )  
County of \_\_\_\_\_ )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF: )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS )  
 )  
Complainant )  
 )  
Vs. ) Case No \_\_\_\_\_  
Citizens to Elect Michael E. Mayden )  
 )  
\_\_\_\_\_  
Respondent (s) )

REQUEST FOR HEARING

I, Michael E. Mayden, the Chairman of the  
(Name) (Chairman/Treasurer)

Citizens to Elect Michael E. Mayden

(Name of the Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee requests a public hearing at which it will appear to offer reason and defenses why the proposed assessment should not be imposed.

  
(Signature of Chairman/Treasurer)

## **RESPONDENT PETITION TO STATE BOARD OF ELECTIONS**

NOW COMES Michael E. Mayden, hereafter referred to as the Respondent, requesting a hearing to be heard in regards to the matter of committee failure to comply, states as follows: Respondent delinquent filing of Semiannual Report of Campaign and Expenditures for the period of January 1, 2007 through June 30, 2007, filing period of July, 2007 through July 20, 2007 was attributed to misinformation that we was given to the Respondent.

Respondent was miss informed that this committee was not required to submit Semiannual Report of Campaign and Expenditures for the time in question based of the fact this committee was not actively raising funds nor did not have any expenditure of funds since June of 2006.

Respondent failure to comply with the filing deadlines should by no means be interpreted as an disregard nor disrespect provision 10ILCS 5-9-10 of the election code

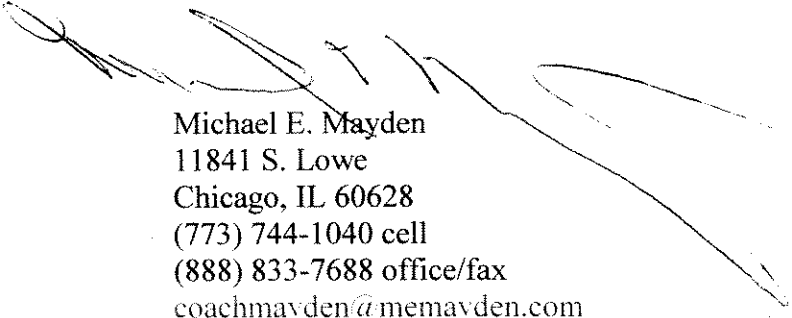
Respondent failure to respond to the written correspondents was a direct result of the fact that the Respondent was out of town from June through September of 2007

Respondent committee has made themselves aware of 10ILCS 5-9-10 of the election code to assure compliances with the future filing period.

Respondent respectfully prays upon the State Board of Election for a stay of violation 10ILCS 5-9-10 of the election code and relief of this heavy burden of \$1,500.00, with full assurance that Respondent will make every reasonable effort to comply with all future filings within the allowed filing period.

WHEREFORE, for the foregoing above reasons, the respondent petitions that this matter be dismissed.

Respectfully submitted,



Michael E. Mayden  
11841 S. Lowe  
Chicago, IL 60628  
(773) 744-1040 cell  
(888) 833-7688 office/fax  
[coachmayden@memayden.com](mailto:coachmayden@memayden.com)

**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections

**Complainant**

v.

**07 AE 027**

C.C.D.P. (Catherine, Carle, David, & Patricia) Party  
S 9365

**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment For Failing to File  
A Schedule A-1 for the 2007 Consolidated Election

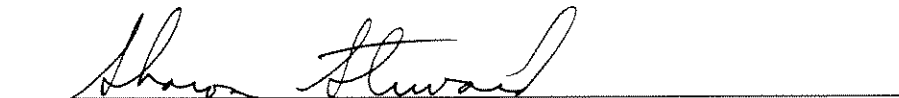
This Committee received one in-kind contribution of \$1636 on 4/10/07, but failed to list it on a Schedule A-1. The assessed penalty is \$1636.

David C. Stachura, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Stachura stated that this was his first time filling one of these out. He didn't know that an in-kind contribution had to be filed within two days. Carol Morgan, the contributor, is his sister-in-law and she sent him notice only after he requested it in order to file the state paper work. He is sorry about it being late; he didn't know.

I contacted Mr. Stachura in order to gain further information. He stated that the in-kind contribution was his sister-in-law's labor for the printing; the Ink Well only charged for materials. Obviously, he was aware of the in-kind contribution at the time, but did not realize it had to be reported on a Schedule A-1.

I recommend that the appeal be denied for lack of an adequate defense. However, since there is no indication that this was anything other than inadvertent and unintentional, I also recommend that the penalty be reduced to 10% of the original assessment, or \$164. As a first violation, the penalty is stayed.



Sharon Steward – Hearing Officer  
October 3, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

EXECUTIVE DIRECTOR  
Daniel W. White  
September 4, 2007

C.C.D.P.  
Catherine Stachura, David Stachura  
10130 Berteau Ave  
Schiller Park, IL 60176

S9365

Dear C.C.D.P.;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Carol Morgan	4/10/07	\$1636.00	\$1636.00	*not filed	

The committee is fined a **total** of \$1636.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$164.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. If your committee has no other civil penalty assessments and only one delinquent Schedule A-1 amount is listed above, the penalty will be **stayed** as a first violation and would only become due and owing upon any subsequent delinquent filings by the committee.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the mailing of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

\* This contribution was reported on the June 2007 Semi-annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

\*\* This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois )  
County of COOK )

015780 11 27

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. ) Case No. 01AEC27  
CCDP PARTY )  
Respondent(s). )

APPEAL AFFIDAVIT

I, DAVID C STACHURA, the TREASURER of the  
(Name) (~~Chairman~~ Treasurer)  
CATHERINE, CARL, DAVID + PATRICIA PARTY S9365  
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

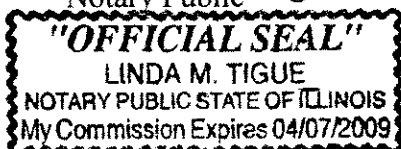
FIRST TIME FILING ONE OF THESE OUT DIDN'T  
KNOW THAT A IN KIND CONTRIBUTION HAD TO  
BE FILED IN 2 DAYS. CAROL MORGAN IS MY SISTER-IN-L  
AND SENT ME A BILL ONLY AFTER I REQUESTED IT  
TO FILE THE STATE PAPER WORK. SORRY ABOUT IT  
BEING LATE - DIDN'T KNOW. THANK YOU

Signed and Sworn to by:

David C. Stachura  
before me this 11 Day of  
September, 2007

Linda Tigues  
Notary Public

David C. Stachura  
(Signature of ~~Chairman~~ Treasurer)



State of Illinois )  
County of COOK )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS


IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. CCDP PARTY )  
Respondent(s). )

Case No. \_\_\_\_\_

WAIVER OF APPEARANCE

I, DAVID C STACHURA, the TREASURER of the  
(Name) (~~Chairman~~ Treasurer)  
Catherine, Carl, David & Patricia party 59365  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

  
(Signature of ~~Chairman~~ Treasurer)

Home 1-847-671-1880 for choice  
Cell 1-847-828-7890

**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

**BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

Illinois State Board of Elections

**Complainant**

v.

**07 AC 035**

Friends of Michelle Harris

S 9311

**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment For Failure to File a Schedule A-1  
For the 2007 Consolidated Primary Election

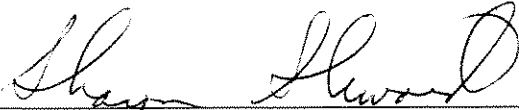
This Committee received two contributions; one of \$5,000 on 2/26/07 and one of \$1,500 on 2/9/07, but failed to list them on a Schedule A-1. This Committee had previously been assessed civil penalties for delinquent filing Schedule A-1s for 14 contributions. Those penalties have been paid in full. The total assessment is \$6,500.

Michelle A Harris, the Chairman of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Ms. Harris referenced an attached letter. In the attachment, she stated that the two checks in question were received after February 29, 2007. She enclosed copies of the two checks. She stated that the check dated February 26, 2007 was received in the mail after February 29, 2007. In addition, the check dated February 9, 2007, was handed in person to the Treasurer after February 29<sup>th</sup> as well. She further states that she enclosed documentation showing the checks were deposited on March 7, 2007. The new treasurer mistakenly placed the date of the checks in the system rather than the date the Committee received them, which was after the filing period for the Schedule A-1.

In order to obtain further documentation regarding the defense offered by Ms. Harris, I attempted to call Yolanda Godwin, the treasurer, on two separate occasions, once on 9/28/07 and again on 10/23/07. This number was the only number available. Neither time was the phone answered, and there was no answering machine or voice mail upon which to leave a message. I then sent an e-mail on 10/23/07 to the e-mail address Ms. Godwin had given. As of this date, I have received no response. Ms. Harris stated that the enclosed bank statement indicated that the deposit was made on 3/7/07, but this statement does not specify what checks were deposited, only the total amount deposited on that date. I therefore, do not feel that the bank statement provides enough detail to show when the two checks in question were deposited, as the bank statement indicated several other deposit dates in February, at least four of them large enough to have included the \$1,500 check. She does state that the \$5,000 check dated 2/26/07, was received by mail; therefore, it is a logical assumption that that \$5,000 check was not received

until after the close of the Schedule A-1 filing period. However, in regards to the \$1,500 check received from the Chicago Association of Realtors and dated 2/9/07, there is no documentation presented by the Committee to show when this was received other than the affidavit. Therefore, in regards to the \$5,000 check dated 2/26/07, I recommend that the appeal be granted. However, in regards to the \$1,500 check dated 2/9/07, I recommend that the appeal be denied, as Ms. Harris failed to show that this check was received after the Schedule A-1 filing period. However, since there is no indication that this violation was anything other than inadvertent and unintentional, I also recommend that the penalty be reduced to 10% of the original assessment, or \$150. If this recommendation is accepted by the Board, the amount of \$150 will be due and owing.

  
\_\_\_\_\_  
Sharon Steward – Hearing Officer  
October 29, 2007

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



BOARD MEMBERS  
Jesse Smart, Chairman  
Wanda Rednour, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Albert Porter  
Bryan Schneider  
Robert Walters

EXECUTIVE DIRECTOR  
Daniel W. White  
July 9, 2007

Friends of Michelle Harris  
James Falls  
7718 S Cornell  
Chicago, IL 60649

S9311

Dear Friends of Michelle Harris;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Architectural & Ornamental Workers PAC	2/26/07	\$5000.00	\$5000.00	*not filed	1
Chicago Association of Realtors	2/9/07	\$1500.00	\$1500.00	*not filed	8

The committee is fined a **total** of \$6500.00 for delinquent filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

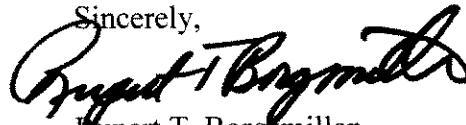
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$650.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the mailing of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

\* This contribution was reported on the April 2007 Pre-election Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

\*\* This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois )  
County of \_\_\_\_\_ )

07 AUG - 8 PM 3:34  
STATE BOARD OF ELECTIONS

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )

Complainant )

vs. )

FRIENDS of Michelle A. HARRIS )  
Respondent(s). )

No. 27 AC 035

APPEAL AFFIDAVIT

I, Michelle A. HARRIS, the Chairman of the  
(Name) (Chairman/Treasurer)  
Friends of Michelle A HARRIS  
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

See Attachment

Subscribed and Sworn to Before me  
This 2<sup>nd</sup> Day Of August, 2007

[Signature]  
NOTARY PUBLIC

[Signature]  
(Signature of Chairman/Treasurer)



State of Illinois )  
 )  
County of \_\_\_\_\_ )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
 )  
Vs. Friends of Michelle A. HARRIS )  
Respondent(s). )

Case No. \_\_\_\_\_

WAIVER OF APPEARANCE

I, Michelle A. HARRIS, the Chairman of the  
(Name) (Chairman/Treasurer)  
Friends of Michelle A. Harris  
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

Subscribed and sworn to before me

s. 2<sup>nd</sup> day of August 20 07  
Chicago, County of Cook, State of Illinois.

Jim F. Watson

Michelle A. Harris

(Signature of Chairman/Treasurer)



August 8, 2007

RE: Case No. 59311

To Whom It May Concern:

I am writing to appeal the fines assessed for check #2648 in the amount of \$1,500 and Check #01922 in the amount of \$5,000. The Friends of Michelle Harris Treasure received the checks in question after February 29, 2007. I have enclosed a copy of each check, which shows the date the checks were made out. For instance, check #01922 was not issued until February 26 and the Friends of Michelle Harris did not receive it in the mail until after February 29, 2007. In addition, check #2648 was dated for February 9, 2007. However, it was handed in person to the Treasurer of Friends of Michelle Harris after February 29<sup>th</sup> as well. Furthermore, I have enclosed documentation that shows the checks were deposited on March 7<sup>th</sup>, 2007.

The new Treasurer mistakenly placed the date of the checks in the system rather the date that Friends of Michelle Harris received them, which was after the Filing period for Schedule A-1. Thank you for your time and consideration of this matter.

Sincerely,

Michelle A. Harris  
Chairman, Friends of Michelle Harris



SHOREBANK

Let's change the world.®

010 00005 01

ACCOUNT:

DOCUMENTS:

PAGE: 1

03/12/2007

14

5

FRIENDS OF MICHELLE A HARRIS  
8539 S COTTAGE GROVE  
CHICAGO IL 60619

36-0

8

6

CD Special: Earn 5.09% APY\* - guaranteed for 15 months. Just stop by your local branch or call 800-905-7725 today!

## VALUE CHECKING ACCOUNT

MINIMUM BALANCE	35,187.34	LAST STATEMENT 02/12/07	34,164.83
		10 CREDITS	36,425.00
		9 DEBITS	29,077.49
		THIS STATEMENT 03/12/07	41,512.34

DEPOSITS			
REF #	DATE	AMOUNT	REF #
02/13	20,505.00	02/26	650.00
02/26	75.00	02/26	2,090.00
02/26	600.00	02/26	2,500.00

OTHER CREDITS		
DESCRIPTION	DATE	AMOUNT
DEPOSIT ADJUSTMENT CREDIT	02/13	25.00
DEPOSIT ADJUSTMENT CREDIT	02/26	100.00

CHECKS					
CHECK #	DATE	AMOUNT	CHECK #	DATE	AMOUNT
1033	02/13	200.00	1035	02/16	50.00
1034	02/21	12,660.25	1036	02/26	310.00
			1037	02/27	15,302.24
			1038	03/08	400.00

OTHER DEBITS		
DESCRIPTION	DATE	AMOUNT
RETURNED ITEM FEE	02/22	20.00
RETURNED DEPOSITED ITEMS	02/22	35.00
RETURNED DEPOSITED ITEMS	02/22	100.00

DAILY BALANCE					
DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
02/13	54,494.83	02/16	54,444.83	02/21	41,784.58

\* \* \* C O N T I N U E D \* \* \*

ShoreBank: 7054 S. Jeffery Boul  
14533 Mack Avenue  
540 E. 105<sup>th</sup> Street

282 Chicago, Illinois 60649  
Detroit, Michigan 48215  
Cleveland, Ohio 44108

(773) 288-1000  
(313) 886-2160  
(216) 268-6100

Telephone Customer Service (773) 753-5050 or (800) 905-7725



# CHICAGO ASSOCIATION OF REALTORS

POLITICAL ACTION COMMITTEE  
200 N. MICHIGAN AVENUE, 6TH FLOOR  
CHICAGO, IL 60601  
PH. 312-803-4900 FAX 312-803-4905

ASSOCIATED BANK  
CHICAGO, ILLINOIS  
2-214-710

2648

DATE

02/09/2007

AMOUNT

\*\*\*\*\*1,500.00\*

AY \*ONE THOUSAND FIVE HUNDRED AND XX / 100

THE  
ORDER

Friends of Michelle A. Harris  
Attn: Yolondo G. Godwin  
8554 S. Ingleside Avenue  
Chicago, IL 60619

*[Signature]*  
*[Signature]* MP

⑈002648⑈ ⑈071002147⑈ 2160 093 602⑈



ARCHITECTURAL & ORNAMENTAL  
IRON WORKERS UNION, LOCAL 63, IPAL FUND  
2525 W. LEXINGTON STREET  
BROADVIEW, IL 60153



Amalgamated  
Bank Chicago, IL 60603  
2-340/710

01922

2/26/2007

PAY TO THE  
ORDER OF

FRIENDS OF MICHELLE HARRIS

\$5,000.00

Five Thousand and 00/100\*\*\*\*\* DOLLARS

FRIENDS OF MICHELLE HARRIS  
8539 S. COTTAGE GROVE  
CHICAGO, IL 60619

*[Signature]*  
*[Signature]* MP  
*[Signature]*

MEMO DONATION

⑈01922⑈ ⑈071003405⑈ ⑈120533351⑈

CHITECTURAL & ORNAMENTAL IRON WORKERS UNION, LOCAL 63, IPAL FUND

FRIENDS OF MICHELLE HARRIS

2/26/2007

01922

5,000.00



# INTERNATIONAL ASSOCIATION OF HEAT & FROST INSULATORS & ASBESTOS WORKERS

Local No. 1 City St. Louis State Missouri  
Address 3325 Hollenberg Drive Bridgeton, Missouri 63044

(314) 291-7399

October 22, 2007

Mr. Rupert T. Borgsmiller, Director  
Campaign Disclosure Division  
Illinois State Board of Elections  
1020 S. Spring Street  
PO Box 4187  
Springfield, IL 62708-4187

Dear Mr. Borgsmiller:

We would like to make every effort to comply with the penalties incurred by our political action fund, account number S4438.

This fund carries a rather minimal balance and we would like to have make "good faith payments" of \$ 300.00 for each of the next three months, starting with November 2007. Enclosed is a check for \$325.00 for the first installment, leaving a balance of \$900.00

Please advise if this arrangement will be acceptable with the Board of Elections.

Sincerely,  
INSULATORS AND ASBESTOS  
WORKERS LOCAL NO.1

*Sherry A. Saltzman*  
Sherry A. Saltzman  
Office Manager

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Daniel W. White  
October 24, 2007

BOARD MEMBERS  
Albert Porter, Chairman  
Bryan Schneider, Vice Chairman  
Patrick Brady  
John Keith  
William McGuffage  
Wanda Rednour  
Jesse Smart  
Robert Walters

Asbestos Workers Heat & Frost Insulators Local Union #1  
3325 Hollenberg Dr.  
Bridgeton, MO 63044

S4438

Dear Committee;

We are in receipt of your check in the amount of \$325.00 for payment of a civil penalty for the delinquent filing of campaign disclosure report(s). The check is being forwarded to the State Treasurer for deposit in the General Revenue Fund. Your outstanding balance is now \$900.00.

Thank you for your compliance with the Illinois Campaign Disclosure Act.

Sincerely,

Rupert T. Borgsmiller, Director  
Division of Campaign Disclosure

RTB:sm

STATE OF ILLINOIS                     )  
  ) SS  
COUNTY OF SANGAMON                )

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

In the Matter Of:                     )  
  )  
State Board of Elections                )  
                   Complainant(s),        )  
                   Vs.                     )       05 JS 151  
  )  
Asbestos Workers Heat & Frost Insulators    )  
Local Union #1                         )  
                   Respondent(s).            )

**FINAL ORDER**

TO:   Asbestos Workers Heat & Frost Insulators Local Union #1       S4438  
      3325 Hollenberg Dr.  
      Bridgeton, MO 63044

This matter coming to be heard this 21<sup>st</sup> day of November, 2005, as an imposition of a civil penalty under Article 9 of the Illinois Election Code (10 ILCS 5/9-1 *et. seq.*), and the State Board of Elections being fully advised in the premises,

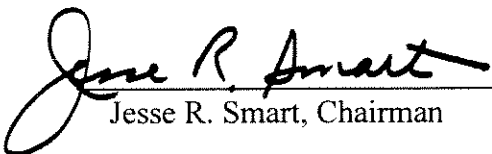
**THE BOARD FINDS**

1. In case number 05 JS 151, a \$1025.00 civil penalty was assessed against the Respondent for the delinquent filing of the June 2005 Semi-annual report; and
2. An appeal of the civil penalty was not submitted by the committee, and
3. The committee was previously assessed a penalty of \$200.00, which was stayed as a first violation, for the delinquent filing of the November 2004 Pre-election report (04 GE 071). This assessment was not appealed.

**IT IS ORDERED:**

1. A civil penalty in the amount of \$1025.00 is imposed and the stay is lifted on the previously assessed penalty of \$200.00. The total amount of \$1225.00 is now due and owing within 30 days of the effective date of this order; and
2. The effective date of this Order is November 22, 2005, and
3. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 11/22/2005

  
Jesse R. Smart, Chairman

**STATE BOARD OF ELECTIONS**

**1020 South Spring Street  
Springfield, Illinois 62704  
217/782-4141**

**Rupert T. Borgsmiller**

**Director, Campaign Disclosure**

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To: Members of the Board, Daniel W. White, Executive Director, & Steve Sandvoss, General Counsel

Re: Updated - Informational/Candidates with unpaid files-potential Ballot Forfeiture for 2008

Date: November 7, 2007

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Attached is an updated list of candidate-related committees with unpaid fines as of today's date. These committees have the potential to face ballot forfeiture for 2008 if they choose to run for office. Letters have been sent to each committee listed on September 22<sup>nd</sup> and October 22<sup>nd</sup> advising them of their ballot forfeiture potential. An additional letter will also be sent on November 9<sup>th</sup>. This listing is a work in progress and names will be added and/or removed as issues are resolved.

Ballot Forfeiture Fines Due

Cmte No	Cmte Name	Candidate	Last Office Sought	Fine due
L01345	Citizens for Hansen	Bruce Hansen	County Board Member/Lake	\$3,825.00
L07542	Citizens for Olszewski	Michael Olszewski	County Board Member/Cook	\$1,800.00
L08526	Gonzalez for Commissioner	James Gonzalez	Water Reclamation Dist/Chicago	\$1,525.00
L09904	Citizens for Gaughan	David Gaughan	State's Attorney/Cook	\$1,550.00
L11495	Friends of Kevin Quinlan	Kevin Quinlan	Village President/Oak Park	\$2,600.00
L11593	Citizens for Brenda Rodgers	Brenda Rodgers	City Councilman/Elgin	\$325.00
L12986	Phillips for Mayor	Chuck Phillips	Mayor/Alton	\$287.50
L13232	Citizens for Dale L Vollmer	Dale Vollmer	Mayor/Joliet	\$150.00
L13481	Friends of David Askew	David Askew	Alderman/Chicago	\$2,100.00
L13550	Friends of Paul Stewart	Paul Stewart	Alderman/Chicago	\$350.00
L13650	Citizens for Felicia Simmons Stovall	Felicia Stovall	Alderman/Chicago	\$7,450.00
L13698	Citizens for Marius "Mark" Jackson	Marius Jackson	Mayor/Centreville	\$575.00
L13722	Friends of Derrick Prince	Derrick Prince	Alderman/Chicago	\$4,175.00
L13749	Friends of Don Patterson	Don Patterson	Alderman/Chicago	\$525.00
L13770	Citizens for Catherine Zaryczyn	Catherine Zaryczyn	Alderman/Chicago	\$1,550.00
L13821	Elect Jesse Granato	Jesse Granato	Alderman/Chicago	\$10,540.00
L13849	Citizens to Elect Dennis Allen	Dennis Allen	Alderman/Chicago	\$7,950.00
N 4243	Jeanelle Norman Campaign	Jeanelle Norman	Board of Trustees/Richland CC	\$613.00
S 022	Citizens for Barkhausen	David Barkhausen	State Senator 30th Dist	\$1,200.00
S2271	Citizens for Judy Baar Topinka	Judy Baar Topinka	Governor & Township Cmte/Man/Riverside Twp	\$34,865.00
S3424	Richards for Circuit Judge Cmte	J William Richards		\$650.00
S6825	Cmte to Elect Rickey Hendon	Rickey Hendon	State Senator 5th Dist	\$1,900.00
S7197	Citizens for Lightford	Kimberly Lightford	State Senator 4th Dist	\$200.00
S7515	Dunn for Judge Cmte	Thomas Dunn	Appellate Court Judge/3rd Dist	\$450.00
S7868	Citizens for Leys	Eric Leys	School Board Member/Dist 207	\$1,650.00
S8040	William Davis for State Representative	William Davis	State Rep/30th Dist	\$6,000.00
S8063	Citizens to Elect Kevin Gallaher	Kevin Gallaher	Forest Preserve Commissioner	\$1,050.00
S8642	Friends for David J Haynes	David Haynes	Ward Committeeman/Chicago	\$225.00
S8813	Citizens for Fred Crespo	Fred Crespo	State Representative 44th Dist	\$125.00
S8828	Citizens for Jim Rowe	Jim Rowe	State Senator 39th Dist	\$5,000.00
S8936	Friends for Michelle Chavez	Michelle Chavez	State Representative 24th Dist	\$150.00
S9009	Friends of "Bill Dock" Walls/Walls for Mayor	William Walls III	Mayor/Chicago	\$1,675.00
S9018	Friends of Dart	Thomas Dart	Cook County Sheriff	\$138.00
S9273	Friends of Ron David	Ron David	Alderman/Chicago	\$1,200.00
S9329	Citizens to Elect Anthony McCaskill	Anthony McCaskill	Mayor/Harvey	\$825.00
S9378	Friends of Joseph Bertrand Jr	Joseph Bertrand	School Board Trustee	\$575.00

Ballot Forfeiture - Appeal Pending

Cmte No	Cmte Name	Candidate	Last Office Sought	fine ammt pending
L09291	Citizens for Cole	Brad Cole	Mayor/Carbondale	\$7,022.53
L13544	Fioretti for Alderman	Robert Fioretti	Alderman/Chicago	\$26,250.00
L13781	Committee to Elect Edward 'Ed' Russell	Eddie Russell	City Council/E St Louis	\$3,000.00
L13815	Friends for Eric P Mckennie	Eric McKennie	Alderman/Chicago	\$1,150.00
S5774	Citizens for Munoz	Ricardo Munoz	Alderman/Chicago	\$25,000.00
S8749	Friends of Kwame Raoul	Kwame Raoul	State Senator/13th Dist	\$5,000.00
S8800	Friends of Dan Lewandowski	Daniel Lewandowski	State Senator/34th Dist	\$6,230.51
S9027	Citizens to Elect Michael Mayden	Michael Mayden	Alderman/Chicago	\$1,500.00
S9283	Friends of Todd H Stroger Pres.	Todd Stroger	County Board President/Cook Co	\$255,816.58
S9311	Friends of Michelle Harris	Michelle Harris	Alderman/Chicago	\$6,150.00
S8984	Riverdale Mayor Finance Committee	Nkrumah Lumumba Hopkins	Judge, Circuit Court Cook Co	\$2,175.00
<b>**Successor Committee - Elect Judge Nkrumah Lumumba Hopkins</b>				

**STATE BOARD OF ELECTIONS**

**1020 South Spring Street  
Springfield, Illinois 62704  
217/782-4141**

**Rupert T. Borgsmiller**

**Director, Campaign Disclosure**

To: Daniel W. White, Executive Director, Members of the Board

Re: Payment of Civil Penalties

Date: November 7, 2007

The following committees have made payment of outstanding civil penalties for the period of 10/3/2007 – 11-7-2007.

- § Bridgeview Active Party - \$3300.00
- § Citizens for Joe Moore - \$200.00
- § Citizens for Podgorski - \$725.00
- § Chicagoland Apartment Association PAC - \$2750.00
- § Citizens to Elect Willie B Cochran - \$450.00
- § Asbestos Workers Heat & Frost Insulators Local Union #1- \$325.00
- § Citizens to Elect Eddie Washington - \$500.00
- § Citizens to Elect Sharon Denise Dixon - \$1275.00
- § Citizens for Waguespack - \$923.00
- § Citizens to Elect Lona Lane - \$628.00
- § Illinois Academy of Physicians Assistants PAC - \$100.00
- § Citizens to Elect Willie B Cochran - \$150.00
- § Citizens to Elect Michael Mayden - \$175.00
- § Vote for Sam Cahnman - \$1100.00

**Total Amount Paid for this Period- \$12,601.00**

RTB:sm

**STATE OF ILLINOIS  
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

Illinois State Board of Elections  
**Complainant**

**Vs. Board File No: 07 CD 046**

Citizens for Hawkins  
**Respondent**

**REPORT OF HEARING EXAMINER**  
Report of Public Hearing for the Failure to File A  
Semi Annual Report for the Period Ending December 2006

**Procedural History**

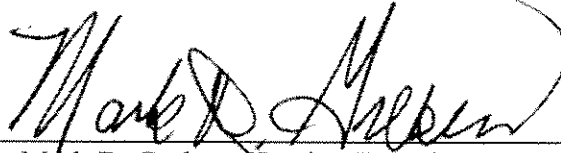
On May 18, 2007, the Complainant filed a Form D-4 Complainant for violation of the Campaign Disclosure Act, wherein it specifically alleges that pursuant to sections 10 ILCS 5/9-10, 5/9-13, 5/9-14 of the Campaign Disclosure Act that the Respondent failed to file December 2006 Semi Annual Report.

On June 5, 2007, a Closed Preliminary Hearing was convened in the Springfield Offices of the State Board of Elections. The Complainant presented evidence that indicated that the Respondent Committee had failed to file the said Semi Annual Report as required by the above mentioned statutes. There was no appearance of record by the Respondent. On June 12, 2007, based on the evidence as presented, the Hearing Examiner determined that the complaint was filed on justifiable grounds, and therefore recommended that the matter proceed to a public hearing. On July 3, 2007, the Board issued an Order for a public hearing to be held regarding the alleged violations.

On July 25, 2007, after noting Proof of Service upon the Respondent had been obtained, a Public Hearing was convened at the Chicago Offices of the State Board of Elections. Ms. Tara Cachur, Campaign Disclosure Specialist, and Mr. Tony Morgando appeared on behalf of the Complainant. Ms. Cachur introduced evidence entitled Exhibit A, a Form D-1 Statement of Organization for the purpose of indicating that the Respondent is in fact a committee on file with the SBE, and Exhibit B, a Semi Annual Report for the period ending June 2006. Said report indicated that the committee had a total of \$10 available at the end of the reporting period. Mr. Morgando indicated that they apparently had a valid telephone number and address for the Respondent, and that if granted a continuance, he would attempt to contact the Respondent for the purpose of compelling compliance by filing the Semi-Annual Report for the period at issue. This Hearing Examiner granted said continuance. However, after several attempts, it was reported to me that all attempts to make contact with the Respondent have been unsuccessful.

## CONCLUSSIONS AND RECCOMENDATIONS

The Respondent has had ample notice of the requirement to file the report at issue. Furthermore, after being properly served, the Respondent has failed to appear at either of the hearings conducted by the SBE. The evidence presented at the July 25, 2007 Public Hearing indicates that Respondent is in fact a Committee on file with the SBE, and that they were legally required to file the Semi Annual Report for the period ending December 2006. Therefore as of this date, since said report is not on file, it is the recommendation of this Hearing Examiner that pursuant to 10 ILCS 5/9-21 of the Election Code, the Board should issue an Order specifically ordering the Respondent Committee to file its Semi Annual Report for the period ending December 2006.

A handwritten signature in black ink, appearing to read "Mark D. Greben", is written over a horizontal line.

Mark D. Greben, Hearing Examiner

Dated: October 31, 2007

items 1, 2, and 3. Also complete Restricted Delivery is desired. If name and address on the reverse we can return the card to you. This card to the back of the mailpiece, if space permits.

ddressed to:

att Hawkins  
705-B Exchange Ave.  
St Louis, IL 62205

e Number  
sfer from service label)  
m 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent  
☐ Address:

☐ Addressee

X

Printed Name) is James L. Smith

C. Date of Delivery

Received by (Printed Name)

9/901

b. Is delivery address different from item

☐ Yes  
☐ No

If YES, enter delivery address below:

3. Service Type

☐ Certified Mail☐ Express Mail  
☐ Return Receipt

☐ Express Mail  
☐ Return Receipt for Merchandise

☐ Insured Mail

□ C.O.D.

☐ Yes

4. Restricted Delivery? (Extra Fee)

7007 0710 0002 8628 2857

102595-02-M-1540

STATE OF ILLINOIS                    )  
  )  
COUNTY OF COOK                    )       SS

**BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS**

**In the Matter of:**

State Board of Elections                    )  
  )  
  )  
                          Complainant(s)       )  
  )  
**Vs.**    )  
  )  
  )  
Citizens for Hawkins                        )  
  )  
  )  
                          Respondent(s)       )  
  )

Board File#: 07 CD 046

**NOTICE OF PUBLIC HEARING**

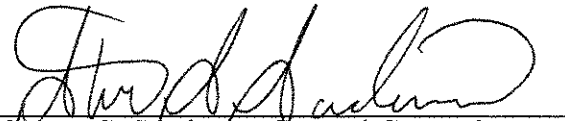
TO: Citizens for Hawkins	Matt Hawkins	Riley Owens
PO Box 661	1705-B Exchange Ave.	5000 Elmijah Ave
E St Louis, IL 62202	E St Louis, IL 62205	Centreville, IL 62207

Please take notice that in accordance with the Order of the State Board of Elections, dated and entered on and pursuant to the provisions of "An Act to Regulate Campaign Financing" (10 ILCS 5/9-1 et seq.) and Rules and Regulations adopted pursuant thereto, and by the power vested in me, the Public Hearing to be conducted in the above captioned matter is set for July 25, 2007, at 11<sup>30</sup> AM, at the State Board of Elections, 1020 S Spring Street, Springfield IL.

The parties have the right to be represented by legal counsel in any proceeding conducted by the State Board of Elections.

Any party involved in any proceeding has the right to the presence and participation of additional persons, in addition to, or instead of an attorney, in order to provide technical assistance and consultation.

DATED: July 6, 2007

  
\_\_\_\_\_  
Steven S. Sandvoss, General Counsel

STATE OF ILLINOIS       )  
                                      ) SS  
COUNTY OF SANGAMON )

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

In the Matter Of:                       )  
                                      )  
State Board of Elections,               )  
                  Complainant(s),       )  
              Vs.                        )  
                                      )  
Citizens for Hawkins,                   )  
                  Respondent(s).        )

07 CD 046

**ORDER**

TO:    Citizens for Hawkins                       S9222  
          PO Box 661  
          East St Louis, IL 62202

This matter coming to be heard this 2<sup>nd</sup> day of July, 2007, following a Closed Preliminary Hearing as a result of a Complaint filed pursuant to "An Act to Regulate Campaign Financing" (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the "Act"), alleging that the Respondent violated 10 ILCS 5/9-10, 5/9-13 and 5/9-14 in that respondent failed to file the December 2006 Semi-annual report; and the State Board of Elections having read the report of the Hearing Officer and hearing the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1.    The complaint was filed on justifiable grounds; and
2.    There was no appearance by the Respondent at the closed preliminary hearing, and
3.    The report at issue remains unfiled.

IT IS ORDERED:

1.    That a Public Hearing be held in this matter; and
2.    The effective date of this Order is July 3, 2007, and
3.    This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 7/3/2007



Albert S. Porter, Chairman



FORM

D-4

COMPLAINT FOR VIOLATION OF  
THE CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS, AND TELEPHONE NUMBER:

State Board of Elections  
1020 S. Spring Street  
Springfield, IL 62704  
(217) 782-4141

Vs.

No. 07 CD 046

NAME AND ADDRESS OF RESPONDENT:

S9222

Citizens for Hawkins  
PO Box 661  
E St Louis, IL 62202

Matt Hawkins  
1705-B Exchange Ave.  
E St Louis, IL 62205

Riley Owens  
5000 Elmijah Ave.  
Centreville, IL 62207

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE ☒ STATE BOARD OF ELECTIONS, ☐ COUNTY CLERK, OR ☐ NONE. IF FILED WITH THE COUNTY CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9, ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

10 ILCS 5/9-10, 5/9-13 & 5/9-14

SECTION 3. STATE THE NATURE OF THE OFFENSE(s) OR VIOLATION(s), IF APPLICABLE. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

Failure to file the December 2006 Semi-annual report of Campaign Contributions and Expenditures

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

May 18, 2007

DATE

*Lee A. McArthur*  
SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN VERIFICATION  
MUST BE SIGNED BY AN AUTHORIZED OFFICER AND  
ATTESTED TO BY THE SECRETARY)

PROOF OF SERVICE

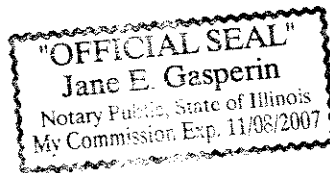
I, Sue A. McArthur HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

- a) BY PERSONALLY DELIVERING THE SAME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2007 AT \_\_\_\_ O'CLOCK \_\_\_\_ M.
- b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE 18<sup>th</sup> DAY OF **MAY**, 2007 AT THE MAIL BOX OR POSTAL STATION LOCATED AT: **2105 E. COOK STREET, SPRINGFIELD IL 62703.**

Sue A. McArthur  
SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 18<sup>th</sup> DAY OF May, 2007

Jane E. Gasperin  
NOTARY PUBLIC



INSTRUCTIONS

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS  
1020 SOUTH SPRING STREET  
SPRINGFIELD, ILLINOIS 62704

STATE BOARD OF ELECTIONS  
100 WEST RANDOLPH, SUITE 14-100  
CHICAGO, ILLINOIS 60601

**STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141 TTY: 217/782-1518  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago, Illinois 60601  
312/814-6440 TTY: 312/814-6431  
Fax: 312/814-6485



**BOARD MEMBERS**  
Albert S. Porter, Chairman  
Bryan A. Schneider, Vice Chairman  
Patrick A. Brady  
John R. Keith  
William M. McGuffage  
Wanda L. Rednour  
Jesse R. Smart  
Robert J. Walters

**EXECUTIVE DIRECTOR**  
Daniel W. White

**MEMORANDUM**

**TO:** Chairman Albert S. Porter  
Vice Chairman Bryan A. Schneider  
Members of the Board  
Executive Director Dan White

**From:** Steve Sandvoss, General Counsel

**Re:** Required Review of the Minutes of Executive Sessions

**Date:** November 7, 2007

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Pursuant to 5 ILCS 120/2.06 (d) of the Open Meetings Act, every public body is required to review the minutes of their closed meetings to determine whether or not there is a need for continuing confidentiality of such minutes. In accordance with this requirement, the Executive Director and I did review the minutes of all Executive Sessions of the State Board of Elections since October of 2005. Other than the minutes of the meetings listed below, we have concluded that the necessity of confidentiality does not exist as to the remaining copies of the minutes.

- October 17, 2005 – discussion of Cook County Republican Party v. 16 Democratic Ward Organizations
- June 12, 2006 – discussion of IL Campaign for Political Reform v. IL Coalition for Jobs, Growth and Prosperity
- October 25, 2006 – discussion of Edwards v. Polo and Polo v. Edwards
- April 5 and 16, 2007 – discussion of Colon v. Burgoa and Colon v. Colom
- May 21, 2007 – discussion of Geils v. Wassinger and Ronske v. DiCianni

The above cases are matters following closed preliminary hearing where the Board failed to find justifiable grounds as to the allegations contained in the complaints. Detailed discussion of the cases are contained in these minutes. In addition, in the Cook County Republican Party and IL Campaign for Political Reform cases, the Appellate Court granted motions to have the records placed under seal. Given the confidential nature of the closed hearing process, and the fact that the record is currently under seal in the two cases before the Appellate Court, the Executive Director and I feel that a need for confidentiality remains as to these matters. In response to a question raised at the last meeting, I have researched the Open Meetings Act and consulted with the Attorney General's office, and it is my opinion that the release of the minutes of the Executive Sessions for public inspection DOES NOT automatically release the verbatim recording of such Sessions. A specific authorization of the Board would be required to release such recordings.

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141 TTY: 217/782-1518  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago, Illinois 60601  
312/814-6440 TTY: 312/814-6431  
Fax: 312/814-6485



BOARD MEMBERS  
Albert S. Porter, Chairman  
Bryan A. Schneider, Vice Chairman  
Patrick A. Brady  
John R. Keith  
William M. McGuffage  
Wanda L. Rednour  
Jesse R. Smart  
Robert J. Walters

EXECUTIVE DIRECTOR  
Daniel W. White

MEMORANDUM

**TO:** Chairman Albert Porter  
Vice Chairman Bryan Schneider  
Members of the Board  
Executive Director Dan White

**From:** Steve Sandvoss, General Counsel

**Re:** JCAR Objections to Proposed Rule to Impose a Deadline for the Submission of Amended Canvasses

**Date:** November 7, 2007

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On the following page, please find a draft of a proposed rulemaking previously submitted to and approved by the Board earlier this year. This rulemaking imposes a deadline for the submission of amended abstracts of votes or tabulated statement of returns by election authorities following an election.

During the 2<sup>nd</sup> Notice Period, the staff at JCAR informed me of their intention to recommend to the Committee an objection to the proposed rulemaking, as they feel that it exceeds the SBE rulemaking authority granted by statute.

I will discuss this in greater depth along with options available to the Board at the November 19<sup>th</sup> meeting.

Sincerely

A handwritten signature in black ink, appearing to read "Steve Sandvoss", is written over a horizontal line.

Steven S. Sandvoss  
General Counsel

TITLE 26: ELECTIONS  
CHAPTER I: STATE BOARD OF ELECTIONS

PART 207  
MISCELLANEOUS

Section

- 207.10 Failure to Nominate Candidate
- 207.20 Notice of Primary Election – County of 500,000 Or More
- 207.30 Document Copying Fees
- 207.40 County Clerk Notifications to State Board of Elections of Certain Filings for Office
- 207.50 Deputy Registrars; Definition of Bonafide State Civic Organization
- 207.60 Chad Removal
- 207.70 Post Tabulation Testing
- 207.80 Notation of Straight Party Tickets and of Overvotes and Undervotes by Electronic Voting Systems
- 207.90 Reporting of Errors in Vote Tabulation Where Electronic Voting Systems Are In Use
- 207.100 Requirements for Operator's Log
- 207.110 Requirements for Voter Information Tapes
- 207.120 Procedures for Election Night Equipment Failure
- 207.130 Testing Voting Systems
- 207.140 Certification of Signature Imaging Systems
- 207.150 Receipt and Dissemination of Absentee Voting Information
- 207.160 Attendance of Members at Board Meetings other than by Physical Presence
- 207.170 Acceptance of Amended Canvass Results
- 207.APPENDIX A Log for Vote Tabulation
- 207.APPENDIX B VIS Format

AUTHORITY: Implementing Sections 4-8, 5-7, 6-35, 19-4 and 20-4 and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/4-8, 5-7, 6-35, 19-4, 20-4 and 1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; codified at 6 Ill. Reg. 7219; amended at 6 Ill. Reg. 8976, effective July 12, 1982; amended at 8 Ill. Reg. 24560, effective December 6, 1984; amended at 11 Ill. Reg. 18660, effective October 30, 1987; amended at 15 Ill. Reg. 14427, effective September 27, 1991; amended at 18 Ill. Reg. 14714, effective September 9, 1994; amended 20 Ill. Reg. 2634, effective February 10, 1997; amended at 30 Ill. Reg. 16076, effective September 30, 2006; amended at 31 Ill. Reg. 7148, effective May 1, 2007; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 207.170 Acceptance of Amended Canvass Results**

- a) No later than 31 days following the date of any election, the State Board of Elections (the Board) shall canvass the results and issue an official proclamation declaring the names of the candidates who have been elected or who have been nominated at the election for the offices listed in Section 22-7 of the Election Code (the Code) and shall canvass the votes cast for any Constitutional amendments and any questions of public policy submitted to the electors of the entire State, issue a proclamation of the result, and certify the results to the Governor.
- b) Any amendment to the tabulated statement of returns prepared by an election authority pursuant to Section 7-56 of the Code, or any amendment to the abstracts of votes prepared by an election authority pursuant to Section 22-1 of the Code, in order to be incorporated into the official canvass and proclamation of the Board, must be submitted to the Board no later than 30 days following the official proclamation of the Board following the election.
- c) Amendments to the tabulated statement of returns or to the abstracts of votes submitted beyond the 30-day deadline established in this Part shall not be considered by the Board.
- d) Nothing in this Section shall be construed as an authorization to or a requirement on an election authority to extend the deadline for filing a petition for a discovery recount beyond the 5 day period following the official proclamation of the results of any canvass as provided in Section 22-9.1 of the Election Code. The official proclamation referred to in this subsection is the one that occurs no later than 31 days following the election and not an official proclamation made by the Board following the timely submission of an amended canvass provided for in subsection (b).

(Source: Added at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

- 4. Other business.**
- 5. Comments from the Chairman and Vice Chairman.**
- 6. Comments from the general public.**
- 7. The next Board meeting is scheduled for Thursday, December 6, 2007 at 10:30 a.m. in Chicago.**
- 8. Executive Session.**